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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1582nd meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 27 February 2018, at 10 a.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined third and fourth periodic reports of Saudi Arabia

* No summary records were issued for the 1580th and 1581st meetings.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of Saudi Arabia (CEDAW/C/SAU/3-4; CEDAW/C/SAU/Q/3-4; CEDAW/C/SAU/Q/3-4/Add.1)

1. *At the invitation of the Chair, the delegation of Saudi Arabia took places at the Committee table.*

2. **Mr. Alaiban** (Saudi Arabia) said that great progress had been made for women in Saudi Arabia. Under the current reign of King Salman bin Abdulaziz, Saudi Arabia aimed to realize the aspirations of its people. The country's ambitious Vision 2030 plan had been formulated with that aim in mind, and women had a crucial role to play in its implementation. Vision 2030 provided for programmes to promote and strengthen the protection of women's rights within a broader human rights framework.

3. The Government of Saudi Arabia had set in motion a series of reforms to empower women in a manner consistent with the country's religious principles and social values. There was a clear political commitment to the empowerment of Saudi women, and their access to economic opportunities was recognized throughout society. Saudi Arabia aimed to draw on international best practice to secure a better future for women and sought to preserve women's role in promoting the rights of minorities and vulnerable communities.

4. Saudi Arabia was committed to protecting human rights in line with the Islamic sharia. Indeed, the legislative and institutional framework reflected sharia-based principles and values, which included a duty to protect women's rights and dignity. The Basic Law of Governance established that the political system was based on equality and justice. The legal, judicial and socioeconomic sectors were structured so as to promote and strengthen the protection of women's rights, prohibit discrimination against them and ensure that they had access to the widest possible range of services.

5. In recent years, Saudi Arabia had taken numerous legislative, legal and administrative measures to give effect to the rights enshrined in the Convention. Various laws had been adopted to strengthen the human rights protection framework, and the enactments that concerned women's rights specifically included Royal Order No. A/121 of 4 June 2011, which was aimed at expanding the opportunities available to women, Supreme Order No. 27808 of 15 March 2017, which concerned domestic violence and violence against women, and Cabinet Decision No. 679 of 7 September 2017, which aimed to ensure that maintenance payments to divorced and separated women were received on time. Under Supreme Order No. 33322 of 18 April 2017, a woman no longer had to obtain her legal guardian's permission in order to access Government services. Royal Decree No. 25803 had been adopted in cooperation with the Ministry of Social Affairs and the Saudi Bar Association to guarantee legal aid for women and children who had suffered ill-treatment. In addition, the Mawaddah Women's Charity Society for the Reduction of Divorce had signed an agreement to provide legal and technical assistance to women victims of domestic violence. One of the objectives of the process of reform had been to eradicate unfair gender prejudices. Several campaigns had been launched to raise awareness of human rights and women's rights in particular.

6. With regard to the institutional framework, it was important to mention the establishment of personal status courts and the Council for Family Affairs. The Council had technical committees responsible for women's rights and ensured that the Government and civil society met their obligations in terms of the protection of women's rights. Women victims of domestic violence could call a dedicated 24-hour hotline. Its operators were all women. The Standing Committee for Combating Trafficking in Persons had been established and worked with relevant NGOs. Women enjoyed the right to vote and stand in municipal council elections. In addition, they could stand for election to a chamber of commerce or similar economic body.

7. The mortality rate for women in childbirth had fallen by 12 per cent. Female students and schoolchildren were provided with health protection, and women were

vaccinated against various infectious diseases and were given every opportunity to undergo organ transplants and other medical procedures when necessary.

8. A high proportion of young women attended university, and specialized programmes had been launched to promote education for women in general. Education was free of charge at all levels. Other steps had been taken to encourage women to continue their education to a high level. Girls could study the scientific and vocational subjects that were in demand in the labour market and could take physical education classes in certain public institutions. Cabinet Decision No. 60 of 17 October 2009 was aimed at expanding technical and vocational education for girls.

9. Numerous measures had been adopted to reduce the rate of unemployment among women. In cooperation with the Ministry of Labour and Social Development and civil society, programmes had been launched to guarantee jobs for women who needed to work. Various other programmes, including a programme to support the children of women in employment and a transport programme for such women, had also been launched. Pursuant to a provision included in a 2010 ministerial decision and since incorporated into law, men and women were paid equal wages for work of equal value. Women's participation in the workforce had continued to increase, in particular in the education and health-care sectors.

10. Women's access to financial services, including credit, had been strengthened, and they played an increasingly prominent role in business, investment and capital management. Saudi women occupied important positions in the private sector. In addition, the current chair of the Saudi Stock Exchange was a woman, and women were represented on the boards of several corporations and banks.

11. The Government attached great importance to the Committee's concluding observations and general recommendations. The documents submitted to the Committee represented the outcomes of a transparent and objective process conducted with a view to enhancing the promotion and protection of women's rights. In 2015, a standing committee had been established to prepare the reports due for submission to the human rights treaty bodies. The standing committee played a role in the implementation of the recommendations made by the treaty bodies and worked in close cooperation with civil society. Saudi Arabia had also undertaken various activities to strengthen the memorandum of understanding for technical cooperation that it had concluded with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2012.

12. Pursuant to a recently issued royal decree, Tamader al-Rammah had been appointed Deputy Minister of Labour and Social Development. The appointment of a woman to such a prominent position reflected the political resolve to empower women.

13. In line with the approach set out in Vision 2030, Saudi Arabia was working to build a strong State, a vibrant society and a prosperous economy with the aim of promoting and protecting human rights, and women's rights in particular, to the fullest extent possible.

Articles 1 to 6

14. **Ms. Verges** said that the Committee welcomed the important efforts made by the State party to promote women's rights. However, it was unclear what steps had been taken to develop a clear legal definition of discrimination against women, as was required under the Convention, and what measures the State party had adopted in preparation for a withdrawal of its reservations to the Convention. One of the obstacles to women's empowerment was the fact that many of the legislative proposals put forward to empower women seemed to function as mere recommendations. She wished to know what steps had been taken to overcome that obstacle and, in particular, to ensure that the legal guardian system was abolished. In the light of the new approach adopted under Vision 2030, and with the aim of implementing Sustainable Development Goal 5, she wondered whether the time was right to open a public dialogue on the possibility of bringing some of the current, sharia-based provisions more into line with the reality of women's lives.

15. **Ms. Ameline** said that, given the considerable discretion available to judges in Saudi Arabia, it would be helpful if the delegation could provide information on the next steps planned in terms of the codification of law, in particular personal status law. On a separate

point, the Committee urged the State party to strengthen the mechanisms by which its legal framework was implemented. With regard to criminal procedure, she wished to know what measures would be taken to guarantee the right of defence and strengthen the role of defence lawyers. The Committee found it regrettable that the State party continued to apply the death penalty.

16. Despite the adoption of legislation on associations and foundations and the establishment of a centre for national dialogue, civil society organizations reportedly did not enjoy full freedom of expression and were subject to stringent approval procedures and monitoring. Drawing attention to the suffering of the civilian population in Yemen, particularly women and children, she asked what measures were being taken by the coalition to address international concerns regarding human rights violations in that country. In the context of efforts to foster a culture of human rights, she asked whether there were plans to grant the national Human Rights Commission a greater degree of independence.

17. **Mr. Alaiban** (Saudi Arabia) said that the Vision 2030 strategy aimed to promote the rights of women and to combat discrimination.

18. **Mr. Alotaibi** (Saudi Arabia) said that all forms of discrimination, including discrimination against women, were prohibited by law. Moreover, the Law on Protection from Abuse provided for severe punishments for violations of women's rights. A number of international instruments to prevent discrimination including the International Convention on the Elimination of All Forms of Racial Discrimination, had been incorporated into the domestic legal framework.

19. **Ms. Almoalimi** (Saudi Arabia) said that, as part of efforts to strengthen the national human rights framework, the Government was engaged in reviewing its domestic laws and practices, including those relating to personal status and labour, in order to align its legislation with the provisions of international human rights instruments to which it was a party. In that context, the Shura Council examined all laws and recommendations while the Human Rights Commission focused on human rights legislation, with a view to ensuring compliance with international instruments in the light of sharia law. In general, the Human Rights Commission worked to ensure the implementation of the various human rights instruments, including the Convention, to which Saudi Arabia was a party and to draw attention to violations. As part of measures to prevent discrimination against women, the provisions of Supreme Order No. 33322 of 18 April 2017 stipulated that government bodies should refrain from requesting a woman to obtain her guardian's permission to access various services.

20. **Ms. Alghamdi** (Saudi Arabia) said that no laws specifically stipulated the need for a male guardian and women were able to access a range of health, legal and administrative services, without the need for male authorization.

21. **Mr. Shayr** (Saudi Arabia) said that sharia provisions addressed all family and civil status matters. The Supreme Court was responsible for establishing general judicial principles, including on civil status. The Supreme Judicial Council issued instructions regulating relevant legal matters.

22. **Mr. Alaiban** (Saudi Arabia) said that specific provisions had been adopted to ensure the independence of the national Human Rights Commission.

23. **Mr. Alsalamah** (Saudi Arabia) said that, under article 47 of the Basic Law of Governance, all citizens and residents had equal access to justice. Directives on positive discrimination had also been issued to facilitate women's access to justice, including with regard to divorce proceedings. Measures had also been introduced to expedite civil status cases, which were often dealt with in a single hearing. Furthermore, marriage documents were issued to both spouses. Legal aid was available, including through a charity association working to prevent divorce, and legal aid clinics had been established in major cities. More than 50,000 people had benefited from free legal aid services. A royal order on domestic violence issued in 2017 contained directives relating to reviewing and amending relevant legislation, prevention efforts and capacity-building measures.

24. **Mr. Shayr** (Saudi Arabia) said that a judicial training centre had been established under the aegis of the Ministry of Justice and a memorandum of understanding for technical

cooperation concluded with the OHCHR. In that context, workshops had been held in 2016 in Geneva on international fair trial standards. Other workshops had also been held to raise awareness of international human rights instruments, including the Convention.

25. **Ms. Alturki** (Saudi Arabia) said that the Government was engaged in efforts to foster an enabling environment for civil society organizations, including through government funding. Measures had also been taken to simplify the process for establishing such organizations.

26. **Ms. Alajmi** (Saudi Arabia) said that the Civil Associations and Organizations Law set out procedures for establishing civil society organizations and sought to guarantee their independence.

27. **Mr. Alotaibi** (Saudi Arabia) said that military operations in Yemen were carried out in accordance with international humanitarian law and human rights law. The coalition sought to protect civilians, particularly women and children, from human rights violations and attacks. Measures to ensure compliance with international humanitarian law and the law of armed conflict included mechanisms to accurately determine legitimate military targets, in order to prevent collateral damage, and the circulation of regularly updated lists of prohibited targets, including places of worship and the offices of international organizations. Moreover, expert legal advice was obtained prior to launching attacks to ensure their legitimacy and compliance with international humanitarian law. In order to prevent civilian casualties and raise awareness, coalition forces also distributed leaflets to the civilian population.

28. **Mr. Alaiban** (Saudi Arabia) said that the Government regularly reviewed its commitments under the international instruments to which Saudi Arabia was a party, including the Convention. Its most recent review had established that, in practice, the State's reservation to article 2 had no influence on its compliance with the Convention. Turning to the issue of the State's reservation to article 9 (2) of the Convention, he indicated that domestic law allowed children to acquire the nationality of their father and that dual nationality was not permitted. Nevertheless, the children of Saudi women married to non-nationals were treated equally with regard to access to health, education and other services.

29. **Ms. Verges** asked whether the Government planned to introduce specific legislation on the elimination of discrimination against women. She said that further details of the implementation of the recent royal order on guardianship would be helpful and, in that context, asked whether measures had been taken to define the areas where the consent of a guardian was required. She would also be interested to know whether the order was being implemented in the private sector. She drew attention to the need to incorporate a definition of discrimination into the domestic legal framework. Was the Government planning to examine sharia provisions relating to women's rights with a view to ensuring that they responded to contemporary circumstances and needs?

30. **Ms. Manalo** said that it would be helpful to know whether the Human Rights Commission had a committee on women's rights in order to ensure the effective coordination of policies relating to women. She urged the State party to incorporate the definition of discrimination contained in article 1 of the Convention into its domestic legal framework and to introduce specific legislation on gender equality. She hoped that the country's move towards a moderate version of Islam would lead to increased respect for women's freedom of choice.

31. **Ms. Halperin-Kaddari** said that she welcomed the initiative to establish the King Salman Complex to review the traditions of the Prophet and asked whether women scholars would be involved in its work. She would be interested to know whether religious studies graduates were recruited by courts that handled civil status cases and whether there were women Islamic scholars in the country.

32. **Ms. Ameline** said that the legislative reform the State party planned to introduce provided an excellent opportunity to harmonize its domestic law with the provisions of the Convention. With regard to the situation in Yemen, she urged the Government to contribute

to the work of the commission of inquiry in order to save the lives of millions of women and children.

33. **Ms. Alghamdi** (Saudi Arabia) said that a committee on women and children had recently been established within the national Human Rights Commission. Although it was engaged in work on a range of issues, its specific focus was on the rights of women, children and the family. The provisions on guardianship applied to both private and public institutions. The Government was taking measures to follow up on the royal order and to ensure its implementation.

34. **Ms. Altuwaigri** (Saudi Arabia) said that the Council for Family Affairs had been created in 2014 and began functioning in 2017. Technical committees would be established under the Council, including a committee for women's rights.

35. **Mr. Alaiban** (Saudi Arabia) said that women were free to participate and hold decision-making positions in the Shura Council and other government bodies. Women served on the Council of Senior Scholars and there were women who specialized in religious jurisprudence.

36. **Ms. Almoalimi** (Saudi Arabia) said that women were not forced into any career, profession or relationship.

37. **Ms. Ameline** said that, given the potential for confusion as a result of the large number of committees that would be set up as part of Vision 2030 and the 2030 Agenda for Sustainable Development, she wondered how the two plans would be coordinated and how women would be incorporated into the decision-making processes at the national level. She would like further details of the role that would be played by the women's committee referred to earlier in achieving the goals set out under the plans. In view of the State party's centralized system of government, an overview of the mechanisms to enable segments of the population, particularly minorities, to benefit from economic growth, and an outline of the training provided to civil servants and the police to promote an inclusive approach to their work, would be helpful. She wished to know whether the Government had a mechanism for gathering statistics. She would appreciate the delegation's comments on reports that the country was planning to develop industrial cities exclusively for women workers. She wished to know what sort of mechanisms the State party envisaged for discussing the Committee's concluding observations with civil society and the wider public.

38. **Ms. Nadaraia** said that the State party had successfully implemented certain temporary special measures, including a 20 per cent quota for women on the Shura Council. However, she was concerned about the slow progress made in increasing women's participation in public and political life, especially in government, the judiciary, the diplomatic service, the private sector and academia. She invited the delegation to indicate whether the State party planned to adopt additional temporary special measures to boost the role of women in those areas. The delegation might also wish to comment on any goals and plans in terms of applying temporary special measures and achieving de facto gender equality in other social and economic areas.

39. **Ms. Alsaleh** (Saudi Arabia) said that judges, prosecutors and law enforcement officials took part in regular workshops, seminars and training courses to raise awareness of the Convention and human rights in general, partly under the memorandum of understanding between the State party and OHCHR. Schools taught women's rights to children from a young age up to university level. The country celebrated International Women's Day on 8 March and the International Day for the Elimination of Violence against Women on 25 November each year to raise awareness of women's rights and of the legal remedies available for rights violations.

40. **Ms. Altuwaigri** (Saudi Arabia) said that the Council for Family Affairs, which comprised representatives from 10 government ministries, 50 per cent of whom were women, aimed to coordinate efforts to safeguard family rights. Its technical committee on women had held a number of workshops to discuss women's issues and review laws concerning women and a new strategy for women. The Council supervised the first monitoring centre for women's participation in the country's economic development.

41. **Ms. Almoalimi** (Saudi Arabia) said that everyone was entitled to participate in political and public life, regardless of gender. Although the female members of the Shura Council and the Human Rights Commission had been appointed rather than elected, women had been voted in for the first time at municipal council level, winning 21 seats. The number of women in the judiciary had also risen. Since Saudi law provided for equality between men and women, appointments to public positions were based on skills and merit rather than gender.

42. **Mr. Alaiban** (Saudi Arabia) said that there were greater opportunities for women to enter the security profession, including the police, and visa and passport services.

43. **Ms. Alshangiti** (Saudi Arabia) said that the General Authority for Statistics had been set up in 2015, in association with the Ministry of the Economy and Planning. It gathered statistics for assessing plans and programmes and had established indexes and indicators based on international standards.

44. **Mr. Alaiban** (Saudi Arabia) said that other statistics bodies had also been created to gather data and assist in the attainment of the Vision 2030 goals.

45. **Ms. Acar** said that, while the laws on domestic violence and protection from abuse were positive steps, the Committee would appreciate additional information on the impact of such laws. She called on the State party to implement a comprehensive legal framework rather than simply introducing legislation piecemeal.

46. She wished to hear more about the extent of violence against women and domestic violence in the country. In that regard, clear and comprehensive data of the number of complaints submitted to the courts, including data on victims, perpetrators and their relationships to one another, would be useful in highlighting shortcomings and revealing any impunity. Given that attempts by State authorities, police or social workers resulted in a range of problems, she wondered how many reported cases of violence against women had ended in reconciliation without going before the courts. Specific information on the support provided to women victims in accessing justice in cases of domestic, sexual or other forms of violence would be appreciated.

47. She wished to know whether victims of violence against women were expected to seek help from the hotline for victims of trafficking or whether there were alternative services in place. Data concerning the number of domestic violence victims who called that line would be appreciated. She also wished to know whether police and medical staff in hospitals received training to recognize signs of violence against women and respond effectively to provide support and prevent a deterioration of such cases. She wondered whether specific medical and crisis centres existed where victims of domestic or sexual violence could seek special assistance and treatment.

48. She would be grateful if the delegation could clarify whether judges received training on the Convention on an ongoing or one-off basis. It would be helpful to know whether the State party had conducted an impact analysis of the awareness-raising activities mentioned in the State party report. She was concerned that the Government was reticent about raising awareness of women's human rights in particular, given that the State party report and responses had frequently made references to women's rights as part of human rights in general. Information on public outreach concerning women's rights beyond the two days per year mentioned by the delegation would be helpful.

49. It was not clear whether there were shelters for women victims of violence in the country and, if so, where they were located. The State party report had mentioned a number of Government initiatives that had involved all stakeholders. She asked whether those stakeholders included women's NGOs, especially in the provision of services for victims of all forms of violence against women.

50. **Ms. Halperin-Kaddari** said that, although a 2013 law protecting women from abuse was welcome, she was concerned that the lack of a penal code created difficulties in enforcing that law. Moreover, the law did not cover economic violence, such as preventing women from seeking education and employment, or marital rape. The offence of rape itself was not specifically defined or prohibited either; the State party had merely claimed in its replies to the list of issues that it constituted an assault on honour and was thus classified as

a criminal offence under sharia law. That definition was not in line with international human rights standards. She wished to know whether the State party intended to specifically criminalize rape, including marital rape. Use of the concept of honour posed the danger that victims might face punishment for allegedly having engaged in sexual relations outside marriage. The State party's response, that no such cases had been recorded during the period under review, contradicted publicly available information from reliable investigative sources. She wondered whether any progress had been made concerning draft legislation on harassment. Notwithstanding the availability of services for female victims of domestic violence, State officials often forcibly returned such women to their attackers who were deemed to be their guardians. Victims might then face charges and punishments for disobedience. She invited the delegation to comment on such cases. The delegation might wish to comment on any criminal proceedings, trials and convictions with respect to the more than 8,000 cases of physical and psychological abuse in 2015 acknowledged by the Ministry of Labour and Social Development.

51. **Ms. Almuneef** (Saudi Arabia) said that the issue of gender-based violence affected the entire world, and Saudi Arabia was no exception. The law against abuse covered all forms of violence against women and provided for a mechanism for reporting cases. Witnesses of violent incidents had to report them. A rapid response unit, staffed around the clock by women, received complaints regarding violence and abuse via a telephone helpline and passed them on to the authorities where necessary. Police stations and other security agencies also responded promptly to protect women victims of domestic violence. The law also had established 53 centres to protect and provide treatment to female victims of violence. The National Family Safety Programme also offered protection from domestic violence and established a database that stored information relating to domestic violence cases.

52. **Mr. Almajled** (Saudi Arabia) said that the Bureau of Investigation and Prosecution had investigated and brought charges in many cases following complaints made by women victims of violence. For example, in 2017, perpetrators in around 1,000 cases of violence against women had been charged and court proceedings initiated under the Law on Protection from Abuse. Of those cases, almost 350 had involved physical violence. In addition, 59 cases of domestic violence and 65 of sexual abuse had also been referred to the courts.

53. **Ms. Alghamdi** (Saudi Arabia) said that family reconciliation was by no means the only recourse in Saudi Arabia. In fact, certain legal safeguards were contained in several pieces of legislation, including the Child Protection Law, that empowered the Bureau of Investigation and Prosecution to launch proceedings of its own volition and provided that the various services involved could monitor the situation to prevent a recurrence of the violence. In that regard, all public officials and private-sector employees had a responsibility to report any abuse witnessed to the authorities.

54. **Ms. Alsaleh** (Saudi Arabia) said that various government agencies, including the Ministry of Culture and Information and the Ministry of Islamic Affairs, Call and Guidance were involved in efforts to eliminate negative gender stereotypes and correct misperceptions that could lead to discrimination against women. Awareness-raising through the media and social networks had been conducted to address those issues and inform the public about women's rights.

55. **Ms. Almoajimi** (Saudi Arabia), referring to paragraph 14 of the replies to the list of issues, said that training on and dissemination of human-rights-related information had resulted in greater familiarity with and knowledge of the Convention among the judiciary, prosecutors, law enforcement, civil society and individuals. Such training was evaluated from a qualitative and quantitative perspective. For example, there had been a notable rise in the number of women enrolling in higher education and a significant fall in the proportion of women student dropouts.

56. Turning to the issue of marital rape, she said that the foundation of all marriages was mercy and compassion. Any violation of that principle gave the injured party the right to terminate the marriage contract. Several means of redress were available in that regard.

57. **Ms. Bethel**, while commending the adoption of legislation to combat trafficking in persons, the development of a related national plan and the implementation of an education and awareness-raising programme for public officials, said she was nevertheless concerned that further work was needed to ensure the proper implementation of the legislation and related plans and policies. Regarding preventive measures, she wished to know whether education and awareness-raising programmes for the general public and civil servants were conducted continuously, whether they incorporated human-rights-based approaches and gender perspectives, whether impact assessments had been carried out and, if so, what their results had been. In a similar vein, she wondered what training was provided to law enforcement officials and border officials to enable them to identify and respond to victims of trafficking. She would also like to know what action had been taken to collect and monitor data on trafficking victims disaggregated by age, nationality, gender and type of trafficking offence, and which institution was responsible for doing so. She was concerned that women victims of trafficking were vulnerable to prosecution for offences they had been forced to commit. She would be interested to know whether there were plans to grant immunity to women victims in order to encourage them to file complaints and seek protection. Lastly, regarding prosecution of trafficking offences, she asked what support was provided to women victims who came forward with complaints. Information on the number of cases of trafficking that had been investigated and prosecuted, including the number of convictions and the sentences handed down, should also be provided.

58. **Ms. Gabr** said that she wished to know how the State party ensured, monitored and followed up on implementation of the regulations on domestic workers that had been introduced in 2013 and whether there were plans to incorporate those regulations into the law so as to improve their application. She wondered whether mechanisms such as hotlines were in place to enable domestic workers to file complaints of abuse, how many complaints had been lodged and what had been their outcomes, what legal and social support was provided to victims, including whether they could seek safety in shelters, and whether domestic workers could transfer to other employers in cases of abuse or unpaid wages. She also wondered whether social and other media were being utilized to raise awareness of the rights of domestic workers and the severity of penalties that could be imposed in cases of abuse.

59. The Committee was concerned that abused domestic workers were forced to flee their employers, leaving them prey to persons who exploited them for the purposes of prostitution. She asked what measures were in place to deter such persons and whether the country's trafficking laws could be applied extraterritorially to combat foreign networks trafficking women to or from the State party for the purpose of prostitution.

60. **Ms. Fatani** (Saudi Arabia) said that perpetrators of trafficking offences faced the full force of the law, as demonstrated by the fact that many perpetrators had been prosecuted, convicted and sentenced. Detailed information on the definition of trafficking and the application of the Trafficking in Persons Act were summarized in paragraph 53 of her country's replies to the list of issues. The country's Human Rights Commission had received 475 complaints involving trafficking from 2012 to 2017. Various mechanisms were in place to combat human trafficking and protect victims from revictimization. All competent authorities, including the Ministry of Health, were involved in follow-up measures and data collection. The National Committee to Combat Trafficking in Persons, which comprised representatives of civil society and government agencies, was responsible for providing victims with comprehensive support and shelter, arranging for non-Saudi victims to be returned to their home countries and ensuring that law enforcement officials received appropriate training. In that regard, human rights training, including on trafficking in persons, was provided to judges, prosecutors, social workers and other public officials on a continuous basis, in partnership with OHCHR. Efforts were also made to learn from the experience of other countries. For example, a symposium had been held in 2017 attended by foreign experts to discuss best practices in combating human trafficking.

61. **Mr. Alaiban** (Saudi Arabia) added that various measures were taken to ensure that employers did not shirk their responsibilities under the regulations on domestic workers, which had effectively replaced the *kafaah*, or sponsorship, system, and to raise awareness among migrant domestic workers of their rights. Employers were, for example, obliged to

open bank accounts on their workers' behalf, which were monitored by the State to ensure that monthly wages were paid in a timely manner.

62. **Ms. Acar** said that she would appreciate comprehensive data specifically on the number of prosecutions, convictions and sentences handed down in relation to cases of domestic violence and violence against women. She asked whether the data contained information on the victim, the perpetrator and their relationship.

63. **Ms. Gabr**, while welcoming the data provided on trafficking in persons, said that her interest lay in the number of cases involving abuse of domestic workers. The requirement for employers to open bank accounts on behalf of domestic workers was a good initiative and she would be interested to know what other practical measures were being taken to remove the remnants of the previous *kafalah* system.

64. **Ms. Halperin-Kaddari** said she would appreciate it if the delegation could comment on reports that women victims of trafficking were prosecuted for offences committed as a result of their being trafficked and that women in the State party were obliged to comply with a compulsory dress code, which required them to wear a hijab or other head covering when in public places or face a penalty.

65. **Ms. Bethel**, referring to the 475 trafficking cases that had been sent to the courts since 2012, said that she would be interested to know how many of those cases had resulted in convictions and the sentences that had been handed down.

66. **Mr. Almdimegh** (Saudi Arabia) said that, in 2016, a call centre set up for the purpose had received around 11,000 complaints of domestic violence. In 2017, 15,000 complaints had been recorded.

67. **Ms. Altuwaigri** (Saudi Arabia) said that concerted efforts had been made to enhance the rights of migrant women domestic workers. Recruitment agencies were vetted and the procedure used to recruit women from abroad was monitored. With the phasing out of the *kafalah* system, the relationship between an employer and a domestic worker was now based on a contract of employment. Employers were required to abide by the relevant regulations, including with regard to payment of wages, and measures were in place to verify their compliance. Multilingual awareness-raising campaigns had been undertaken, with booklets and leaflets produced and disseminated to inform women domestic workers of the remedies available to them in the event that any of their rights were violated. Any complaints made were duly investigated and comprehensive assistance was provided, such as legal and translation services. If the domestic worker wished to return to her country of origin, the Government helped cover her expenses.

68. **Mr. Alaiban** (Saudi Arabia) said that a full review would be necessary before a decision could be made as to whether the regulations on domestic workers should be elevated to the status of a law. Domestic workers were provided with relevant information on their rights and reporting mechanisms from the outset. In the event of a dispute, the domestic worker could seek help by calling a dedicated hotline. If a domestic worker had been forced into prostitution, the relevant legislation was applied and related protective measures implemented, including the provision of medical care, shelter and other assistance. Victims were given the opportunity to seek a change of employer in Saudi Arabia or return to their home country.

69. **Ms. Fatani** (Saudi Arabia) said that trafficking victims were not criminalized unless they had committed a criminal offence in the country. Victims were informed of their rights in a language they understood and were entitled to be seen by a doctor. Medical and psychological services were provided and victims could be housed in shelters as necessary.

70. **Ms. Altwaijri** (Saudi Arabia) said that there was no imposition of any particular dress codes on women in Saudi Arabia. However, women should dress decently in public, taking into account the country's cultural and religious traditions. That said, it was a woman's choice entirely which form of head covering or hijab to wear, since it was a matter of religious observance that depended on her own cultural background. In that connection, a number of international instruments urged respect for the cultural diversity and specificities of each and every society.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1583

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Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1583rd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 27 February 2018, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third and fourth periodic reports of Saudi Arabia (*continued*)
(CEDAW/C/SAU/3-4; CEDAW/C/SAU/Q/3-4 and CEDAW/C/SAU/Q/3-4/Add.1)

1. *At the invitation of the Chair, the delegation of Saudi Arabia took places at the Committee table.*

Articles 7 to 9

2. **Ms. Nadaraia** said that she would welcome an indication of the steps the State party intended to take to help women overcome the obstacles to their participation in its political and public life. In particular, she wished to know what plans had been made to ensure that women, who had been granted the right to vote in 2011 but had been unable to exercise that right until 2015, were not prevented from voting because of: their inability to drive to a polling place; their lack of a national identity card; their ignorance of voting procedures, given that independent civil society organizations which might otherwise have launched voter education drives did not operate freely in the country; or the unwillingness of their male guardians to allow them to exercise their right to vote. She wondered whether there had been campaigns to raise awareness of the importance of involving women in political and public life. According to reports, there were no female judges or prosecutors in the State party. Women accounted for less than 10 per cent of the members of the country's diplomatic corps. Had policies to increase that percentage been put in place?

3. **Ms. Chalal**, congratulating the State party on its election to the Commission on the Status of Women and commending it for the progress it had made since 2010, when it had previously appeared before the Committee, said that she wished to encourage the State party to develop a regulatory framework that would enable it to consolidate the numerous gains it had made and keep to the transformative path it had recently chosen to follow. The Committee nonetheless wished to know, as it had in 2010, whether the State party intended to accord Saudi women the same nationality rights as Saudi men and ensure that neither a woman's marriage to a non-Saudi national nor a change of nationality by her husband automatically changed her nationality, rendered her stateless or made it necessary for her children to acquire their father's nationality. Other countries with traditions and legal systems similar to those of Saudi Arabia had enabled women to transmit their nationality to their children on an equal footing with men. Algeria, for instance, where she was from, had withdrawn its reservation to article 9 of the Convention in 2005.

4. In the same connection, she wondered whether the State party intended to review the conditions for the naturalization of the children of Saudi mothers and non-Saudi fathers. In addition, she wished to know how many such children had obtained Saudi citizenship in accordance with those conditions and what happened to the children who were denied citizenship on the grounds that they did not fulfil the stated conditions. She also wished to know whether, as had been recommended by the Committee on the Rights of the Child (CRC/C/SAU/CO/3-4, para. 23), the State party had determined how many stateless children and their families were living in its territory and, if so, what the number was. In addition, she asked whether obligatory birth registration applied to migrants in irregular situations and whether the State party intended to become a party to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. She would welcome further information about the status of two proposals reportedly now before the Shura Council, one defining a Saudi national as anyone born to a Saudi mother or father and the other establishing the age at which children of Saudi mothers and non-Saudi fathers could become citizens at 18.

5. **Mr. Alaiban** (Saudi Arabia) said that, when it had been announced that women would have the right to vote, it had been clear that they would not be able to exercise that right until the next elections, which had been scheduled for 2015. In the interim, there had been awareness-raising and voter-education campaigns. Women did not need anyone's permission to run for office or vote. It was possible to vote even without a national identity

card. Not being able to drive had never prevented women from going to work or to a polling place, and, in any event, as had been noted, women would be allowed to drive starting in June 2018.

6. Women had male guardians in accordance with the religious law followed in the country. Nonetheless, a royal decree had been issued authorizing women to seek the government services to which they were entitled without first obtaining their guardian's consent. In addition, a woman who was marrying for the second time did not need to be assigned a guardian. Under the decree, all government agencies had been required to launch campaigns to raise awareness of the international human rights instruments to which Saudi Arabia was a party.

7. The empowerment of Saudi women, some of whom occupied positions of senior leadership, had been proceeding apace. A woman had become Deputy Minister of Labour and Social Development, for instance, while other women had become corporate executives or worked in other high-level positions. The Public Prosecutor's Office had recently decided to hire women. Special offices had been established in part to prepare women for legal careers. There were more than 2,500 female lawyers in Saudi Arabia and a similarly large number of female trainees. It would not be long before they occupied high-level positions in the country's judicial system. Women were also well represented at the Ministry of Foreign Affairs.

8. **Ms. Almoalimi** (Saudi Arabia) said that she had taken part in the development of the rules and regulations for the municipal elections of 2015 and that she had been a member of the committee that had monitored the elections. She could therefore confirm that there were no provisions differentiating between men and women at any stage of the electoral process.

9. Saudi women had reached unprecedented heights in the United Nations system. One Saudi woman, for example, had been an Under-Secretary-General, while another had been appointed Assistant Director General at the World Health Organization.

10. The first female law students had graduated only in 2008. Currently, however, there were nearly 1,500 female law graduates, and little by little they were taking up positions in the Public Prosecutor's Office or with the country's courts. Women accounted for 40 per cent of the country's public servants, which was a large percentage given that women in Saudi Arabia had not had the right to education until 1960.

11. **Mr. Alaiban** (Saudi Arabia) said that the 2015 elections had been monitored by civil society organizations whose members had included women. The elections had also been monitored by the Saudi Human Rights Commission.

12. **Ms. Alturki** (Saudi Arabia) said that Al-Nahda, a woman's charitable society, had launched an awareness drive that had involved workshops in various parts of the country and the training of 150 trainers on election-related matters. Voter-education and awareness-raising campaigns, which had reached approximately 15 million people, had been run in universities and business centres and with the help of both traditional and social media. A large number of women had also been given training on how to run election campaigns.

13. **Mr. Alaiban** (Saudi Arabia) said that the Human Rights Commission and Al-Nahda had entered into an agreement assigning Al-Nahda responsibility for the technical supervision of the awareness-raising and voter-education drives aimed at women. That agreement attested to the authorities' readiness to cooperate with and even rely on civil society organizations.

14. **Ms. Alkahtani** (Saudi Arabia) said that women represented Saudi Arabia at the regional and international levels. There were nearly 2,000 women in the country's diplomatic corps, and Saudi women, as had been noted, had been in positions of senior leadership in a number of international and regional organizations. The delegations of Saudi officials that appeared before the United Nations treaty bodies included many women.

15. **Mr. Khorayef** (Saudi Arabia) said that children of Saudi mothers and non-Saudi fathers were eligible to obtain Saudi citizenship under the Nationality Act through a special naturalization procedure. A Saudi woman's foreign husband could also obtain Saudi

citizenship under the Act by way of ordinary naturalization. Although the rule was that nationality was conferred by the father, special exceptions were made for humanitarian reasons, enabling children born to a non-Saudi father to obtain their mother's Saudi citizenship, for example when the father was unknown or stateless. A Saudi woman who married a foreigner was not required to give up her citizenship.

16. **Mr. Alaiban** (Saudi Arabia) said that no authorization was necessary for a woman to obtain a national identification card. Boys and girls were entitled to such a card, which was essential for all dealings in the country, starting at the age of 15.

17. **Ms. Alosaimi** (Saudi Arabia) said that the births of all children in Saudi Arabia and the births of children to Saudis outside the country had to be registered within 15 days. Parents who failed to register the births of their children within that period were subject to a fine of approximately 10,000 riyals.

18. **Ms. Manalo** said that the system whereby women were assigned male guardians was still not clear to her. If, as members of the delegation had suggested, a guardian could not prevent a woman from doing as she liked, why not abolish the system altogether?

19. **Ms. Verges** said that, as only 21 women had won seats on municipal councils in the 2015 elections, she wished to know what policies the State party intended to implement to increase the participation of women in political life, in its municipalities in particular.

20. **Mr. Alaiban** (Saudi Arabia) said that a society could not simply ignore its traditions, values and customs when changes were being considered. In Saudi Arabia, changes in societal mores had been relatively swift. All State agencies were required to report any obstacles to the exercise of the rights of women to the country's highest authorities. If a law stood in the way of those rights, it would be reviewed.

21. As women had not previously been allowed to run for office, the election of 21 women to municipal councils in 2015 had to be considered a success. A number of initiatives would be organized to help women improve their chances of victory in the next round of municipal elections.

22. **Ms. Chalal** said that, in the light of the numerous reforms recently undertaken by the State party, it would be of interest to the Committee to find out whether the authorities had any plans to recognize the Saudi citizenship of Bidun women, who were stateless, or to facilitate naturalization procedures for them.

23. **Mr. Alaiban** (Saudi Arabia) said that the granting of nationality was a sovereign right of States that was generally exercised with a view to maintaining the position and advantages of their citizens. That could clearly be seen in the recent migrant crisis in Europe, where large numbers of persons had flooded a number of countries, and in the resulting shift in policies. The granting of Saudi citizenship was done in accordance with specific requirements and criteria that were equally applicable to all through regular procedures. The Saudi authorities considered non-citizens as guests and provided them with identity papers, education and health services and the opportunity to build their future. Those who qualified were also able to relocate to another country through the Government's cooperation with the Office of the United Nations High Commissioner for Refugees.

Articles 10 to 14

24. **Ms. Gabr** said that she had taken part in the consideration of the State party's previous report, in 2010, and that it was clear that progress had been made in improving women's education, in hiring women educators and in efforts to eliminate illiteracy. The periodic report mentioned that school curricula were reviewed by a private company. The criteria for the review, however, were established by the Government. It would be useful to the Committee if the delegation would elaborate on the criteria themselves and explain whether it would be possible to include information on the Convention in school programmes. Noting that the State party had conducted studies into the phenomenon of school dropout, she asked what reasons had been identified for children to drop out of school. What percentage of university positions were held by women? When girls or women obtained scholarships to study in other countries, did they require authorization

from their male guardians to leave the country? If a Saudi woman was divorced from her non-Saudi spouse, was she able to ensure that her children would receive an education? It was laudable that the State party had opened up technical fields for the education and training of girls, but it was necessary to break cultural stereotypes in the family and in society in order to make such opportunities real. What steps could be taken to introduce age-appropriate instruction in reproductive health for students? What specific plans did the Government have for the implementation of Sustainable Development Goal 4, on education?

25. **Ms. Hofmeister** said that the State party had the opportunity to play an important role in human rights worldwide and to represent a moderate form of Islam. She noted certain areas of concern to the Committee, including entrenched patriarchal customs and attitudes. Face-covering was incompatible with the role of modern women at the workplace. It violated the dignity of all women, including those forced to cover their faces, those who did so by choice and all other women who were observers. Male guardianship, too, was extremely problematic and should be abolished.

26. The Committee would like to know what obstacles stood in the way of the full implementation of article 11 of the Convention. What steps did the authorities plan to take to deal with the lack of identity documents for women and the resulting obstacle to entry into the labour market? The delegation might explain the reasons for the high unemployment rate among women workers. Were there any plans to draft legal provisions against face-covering in the workplace? The Committee would like to receive information on sex segregation at the workplace and on the legal measures and economic tools that were used to combat wage discrimination, to support equal opportunities in employment and to ensure that women could benefit from social security. Did women working for private companies draw paid maternity leave? The Committee would also like to receive further information on continuous horizontal and vertical gender segregation disaggregated by region and governorate, to find out what measures the authorities had taken to support women entrepreneurs, for example with loans, and on the State party's efforts to fulfil its treaty obligation to influence non-State actors so that they fully complied with the provisions of the Convention.

27. **Ms. Arocha Dominguez** said that she welcomed the increase in the health budget and in the improvement in the provision of services since the Committee's last meeting with the State party. During the consideration of the previous periodic report, the Committee had requested disaggregated data. The current report provided no detailed health information disaggregated by Saudi and foreign women, women living in rural and urban areas, migrant and non-migrant women and nomadic and non-nomadic women, for example.

28. The Committee would like to find out whether the authorities had monitored women's access to health services and assessed the impact of guardianship on such access in practice. How did de facto gender segregation in health services affect the quality of service? It would be helpful if the delegation would describe family planning services. Was modern contraception available throughout the country? According to a recent survey, only 28 per cent of married women were aware of family planning services. How did the lack of information on contraception affect birth spacing and the spread of HIV/AIDS and other sexually transmitted diseases?

29. With the exception of cases where the life or health of the mother was in jeopardy, abortion was illegal in the State party. Was consideration currently being given to extending the scope of legal abortion to cover also pregnancies resulting from rape or incest, or other situations when the physical or mental health of the woman was in danger? The Committee would like to find out about access to abortion in remote areas. Notwithstanding the fact that female genital mutilation was illegal, the Committee had received reports that it was still practised, especially among certain groups and in some rural areas. Did the State party carry out any campaigns to raise awareness of the pernicious effects of the practice?

30. **Ms. Alsaleh** (Saudi Arabia) said that school curricula were regularly reviewed to ensure that they were as all-encompassing as possible and that they included instruction on the elimination of any discrimination against women. The Ministry of Education also

provided advice through school manuals. The Ministry's website included a page that outlined the rights of women and elaborated on their role in society.

31. Saudi society in no way privileged one sex over the other. Since 2012, the school curricula were the same for both sexes at all levels. Various measures had been taken to reduce or eliminate school dropout through awareness-raising campaigns and specific training workshops for educators and school psychologists. Several campaigns had been carried out in rural areas specifically to curb school dropout, measures had been taken to encourage children to return to school after dropping out, and continuing education programmes were conducted for adult women who wished to resume their studies. Within the education system, women benefited from the fact that students were more at ease with female instructors. University campuses and classes had been established exclusively for female students, with female instructors.

32. **Ms. Alosaimi** (Saudi Arabia) said that the right to health was enshrined in Saudi legislation and that the State was obliged by law to ensure medical care for all citizens from early childhood to old age. There was no gender discrimination in the provision of medical services. The health services provided to women in remote areas had been improved, in particular with the establishment of hospitals and dispensaries in all areas of the country. The Ministry of Health, working with other local and national authorities, had launched awareness campaigns for future spouses. The campaign included social, psychological and cultural components, and educational institutions had incorporated the same campaign in their curricula. The authorities had responded to a number of treaty body general recommendations with measures to eradicate any type of maltreatment of children and women. The Government was carrying out studies in cooperation with the World Health Organization (WHO) with a view to eradicating female genital mutilation.

33. Saudi Arabia had been relatively spared by the spread of HIV/AIDS. Persons who contracted the HIV virus were guaranteed high-quality treatment, and the authorities closely monitored HIV/AIDS indicators published by WHO. All efforts to treat and prevent the spread of HIV/AIDS were coordinated under the National AIDS Programme, and the treatment itself was provided through a number of organizations. Efforts to support tolerance and to confront and eradicate fanaticism, xenophobia, extremism and stereotypes were an integral part of the Government's policies. An increasing number of women had joined the ranks of institutions that spread awareness of women's rights. Information on the Convention was included in university curricula and was also an important component of the social awareness campaigns launched by the authorities. Such activities were covered by a memorandum of understanding between the Ministry of Health and the Ministry of Education.

34. **Ms. Almoalimi** (Saudi Arabia) said that, in accordance with sharia law, abortion without legal justification was considered a flagrant violation of the right to life and was thus completely prohibited. Abortion was authorized when the health of the mother was at risk. The State party was committed to guaranteeing the right to health, in keeping with sharia. Although abortion was illegal, there had been no instances of women brought to justice for abortion.

35. **Ms. Fatani** (Saudi Arabia) said that the Government had a specific budget allocated for the treatment of victims of ill-treatment; it also covered the cost of treatment of cancer patients, people who contracted infectious diseases and victims of female genital mutilation. Victims of female genital mutilation, especially in rural areas, were thus able to receive medical attention. The practice was not a tradition in Saudi Arabia, even in rural areas.

36. **Ms. Altuwaigri** (Saudi Arabia) said that the Ministry of Labour had adopted a series of measures to increase the economic independence of women and facilitate their access to employment. The aim was to increase the number of women in the labour market, to improve women's skills and abilities and to provide support to women in order to ensure that they would have access to middle- and high-level positions in the various sectors and activities. The country's economic vision for 2030 was based largely on an increase in women's participation in the labour market, which should rise to 30 per cent. The Ministry of Labour was engaged in activities to create decent jobs that would be attractive to women. It had launched a programme to facilitate the transportation of women to their workplaces

and supported women's efforts to launch their own businesses. A decision issued in 2010 prohibited any gender-based discrimination in remuneration in the public sector.

37. **Ms. Verges** said that she would like to know whether the Government carried out campaigns to raise awareness about polygamy and whether medical examinations were carried out before marriage.

38. **Mr. Alaiban** (Saudi Arabia) said that both parties to a marriage underwent medical examinations prior to the wedding ceremony.

39. **Ms. Arocha Dominguez** said that, while she applauded the commitment of the State party to the 2030 Agenda for Sustainable Development, it was unclear how it would increase women's contribution to sustainable development when women were habitually relegated to secondary activities in the economy. Were loans made available by the State or by banks to assist women from the most disadvantaged parts of society? Were such loans available to all women, including divorced and widowed women, or only to those who were married? She had seen from research on the Internet that certain banks required the husband's authorization before granting loans to women. Was that a State policy, or was it applied only by certain banks?

40. The Committee would like to find out what the Government was doing to promote sports and physical activity among women so as to reduce the incidence of non-transmissible diseases and disorders such as obesity and diabetes. Did the State party provide sustainable support for women athletes in high-performance competitions? In the light of the environmental challenges faced by Saudi Arabia, it would be interesting to hear how environmental protection was integrated into national plans to implement the 2030 Agenda and how women were included in the design and implementation of environmental protection efforts.

41. **Ms. Haidar** said that she wished to know what measures would be taken to enable women to participate in decisions concerning rural development and whether any plans were in place to tackle the effects of climate change, especially in rural areas. The Committee was concerned about reports that the Government violated the rights of human rights defenders, including those who operated on the Internet, and took steps to silence any voices that were critical of the authorities. Some human rights defenders had been arrested and sentenced under legislation on terrorism and cybercrime, which was used by the judiciary to silence opponents of the Government. In view of that situation, she asked what measures were taken by the Human Rights Commission to protect human rights defenders.

42. Noting that, like her country, Lebanon, Saudi Arabia was not a party to the relevant international instruments on the protection of refugees, she pointed out that no reliable statistics were kept on refugees in the country. She wondered what was being done to help the reported hundreds of thousands of persons seeking asylum, including Yemeni women. The Committee would welcome further information on the status of current draft legislation on hate speech and religious tolerance, which was essential for dealing with discrimination against the Shia minority. She wished to know whether the law would place minorities on an equal footing with other citizens. Lastly, she asked for information on the number of women displaced by armed conflict and mechanisms to ensure their access to justice.

43. **Mr. Alaiban** (Saudi Arabia) said that refugees were referred to as guests or visitors and enjoyed access to employment opportunities, free health care and free education. They also enjoyed freedom of movement and were not confined to camps.

44. **Ms. Al Ghadeer** (Saudi Arabia) said that the King Salman Humanitarian Aid and Relief Centre, which attended to the needs of the most vulnerable groups, including women and children displaced by armed conflict, abided by the principle of gender equality in granting humanitarian aid. In less than three years, the Centre had undertaken 328 relief projects in 38 countries, including 160 projects in Yemen. Some projects provided immediate relief to those in need while others took place over a 6-month or 12-month period. Over 200,000 refugees had been admitted from the Syrian Arab Republic and around half a million refugees had been admitted from Yemen.

45. **Mr. Alaiban** (Saudi Arabia) said that, since the start of the war in the Syrian Arab Republic, over 2.5 million Syrians had passed through Saudi Arabia, where they had been

provided with support and put in contact with diplomatic missions. The Syrian nationals who had remained in Saudi Arabia enjoyed access to employment opportunities, free health care, free education and freedom of movement. Support had also been provided to persons affected by conflicts in other parts of the world, including Myanmar.

46. **Ms. Altwaijri** (Saudi Arabia) said that the development of rural areas came within the purview of the Shura Council, which was responsible for identifying development needs throughout the country. The members of the Council included women from different provinces. A rural development agency ensured that development plans responded to the specific needs of each province. Social development centres provided training and education to women in rural areas.

47. **Ms. Aloyaidi** (Saudi Arabia) said that the number of loans made available to women had increased between 2013 and 2017. Women comprised 90 per cent of the beneficiaries of projects intended to address the needs of families, including those on low incomes. In 2017, funding had been provided for over 70,000 social projects. Plots of barren land measuring between 5 and 10 hectares were allocated to individuals who wished to restore them. Plots measuring up to 400 hectares were made available to corporations.

48. **Ms. Alshangiti** (Saudi Arabia) said that, under a ministerial decree issued in 2003, electricity and other services had been provided to houses in remote areas and support had been given to families who wished to move from such areas to other parts of the country. The Government made housing available to citizens in accordance with their needs. Heads of families could receive housing subsidies that varied in accordance with the size of the family concerned and the health of its members.

49. **Ms. Alaskary** (Saudi Arabia) said that 20 per cent of men and 7 per cent of women currently participated in sporting activities. The Government aimed to ensure that, by 2030, 40 per cent of the total population would be practising a sport at least three times a week.

50. **Ms. Haidar** said that it was still not clear what measures were taken to protect women human rights defenders and activists. Although assurances had been made that the male guardianship system was not imposed as rigorously as in the past, alternative sources had indicated that recent campaigns to end that system had not achieved their goals. The Committee wished to know whether women required the authorization of a male guardian in order to obtain or renew a passport or apply for a scholarship and whether a timeline had been established for the elimination of the guardianship system from all areas of life. Lastly, she asked whether the State party would be open to receiving visits from United Nations special rapporteurs to assist it in its efforts to comply with international human rights instruments.

Articles 15 and 16

51. **Ms. Halperin-Kaddari** said that many of the concerns raised by the Committee throughout the day related to the State party's highly discriminatory personal status laws. Sharia law was not immutable and, as other countries in the region had demonstrated, mechanisms existed within the system that could allow for changes to be made in many areas of life, including marriage, the inheritance rights of widows and daughters, unilateral extrajudicial divorce and the male guardianship system. In the light of the current situation, she asked whether the Government would consider adopting a unified comprehensive family law that would comply with the Convention and all the Committee's general recommendations. It would be interesting to learn why women were excluded from the judiciary despite the fact that the Judiciary Act did not require judges to be male. Lastly, she asked whether the female members of the delegation had had to obtain permission from their male guardians in order to travel to Geneva to attend the meeting.

52. **Mr. Alaiban** (Saudi Arabia) said that the entire guardianship system was under review. Under Royal Decree No. 333, all agencies had been instructed to eliminate the need for women to seek the authorization of male guardians for any purpose. Any provision or law that contradicted that instruction had to be referred to the Royal Court and justified or it would risk being declared null and void. The male guardianship requirement applied only to certain situations, such as marriage, and did not grant guardians power over women. The courts would remove the authority of any man who attempted to misuse the role of guardian.

53. The Human Rights Commission would support any human rights defenders who were undertaking activities that did not disrupt society or compromise regional security. In Saudi Arabia, activists were given more freedom to express their views on the Internet than in any other country in the region. Restrictions were placed on that freedom only when the security of the country was threatened.

54. **Mr. Shayr** (Saudi Arabia) said that matters relating to personal status were covered by legislation based on sharia law and were governed by the Supreme Council, which issued instructions relating to that area.

55. **Ms. Almoalimi** (Saudi Arabia) said that heads of household possessed a code that other members of the household could use to apply for a passport online. Remedies were available to individuals who were denied access to such a code.

56. **Ms. Al-Rammah** (Saudi Arabia) said that women had the right to take decisions on an equal footing with men. The Ministry of Labour and Social Development made subsidies available to enable citizens to develop their skills. Several programmes had been established to help women to become more independent and obtain access to employment.

57. **Ms. Haidar** said that, having visited the website of the Ministry of the Interior, she wondered when women's status as persons would be fully and completely recognized.

58. **Mr. Alaiban** (Saudi Arabia) said that he wished to assure the Committee that Saudi women enjoyed full legal personality. They had access to the website of the Ministry of the Interior for matters involving electronic identification and other relevant e-services. He would also like to thank the Committee for the comments made during the constructive dialogue, which would be taken into consideration at the highest level. The Government considered the Committee members to be its friends and partners in its efforts to protect and promote the rights of women. It looked forward to implementing the Committee's recommendations and hoped that the situation of women in Saudi Arabia would be further improved when the next meeting with the Committee took place.

The meeting rose at 5.10 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1584th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 28 February 2018, at 10 a.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth to sixth periodic reports of Suriname

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth to sixth periodic reports of Suriname (*continued*)
(CEDAW/C/SUR/4-6; CEDAW/C/SUR/Q/4-6 and CEDAW/C/SUR/Q/4-6/Add.1)

1. *At the invitation of the Chair, the delegation of Suriname took places at the Committee table.*

2. **The Chair** said that, at the invitation of the Committee, other members of the delegation would be speaking via video link from Paramaribo.

3. **Mr. Eskak** (Suriname), introducing his country's periodic report, said that the National Development Plan for the period 2017–2021 took into account commitments in respect of gender equality and women's empowerment as well as sustainable development; the former were acknowledged to be prerequisites for the latter. The strategic goal of the plan was to ensure that laws, regulations and policies in the public and private sectors guaranteed the right to personal security and freedom for women and men and that gender stereotyping did not restrict opportunities. To implement the plan, the Council of Ministers had recently approved measures to improve research and planning at the individual ministry level and a standardized approach to the submission of project proposals and the reporting thereon; was due to be developed.

4. At the legislative level, the Ministry of Labour was currently working on a bill on equal treatment. Consultations on that bill, and on a parallel bill to prevent harassment in the workplace, were currently under way with civil society and other stakeholders. The Ministry of Home Affairs, meanwhile, was considering proposals to establish a dedicated bureau to handle gender discrimination-related complaints. Legislation on identity documents had been revised and would be ready for approval by the National Assembly by the end of March 2018. Furthermore, measures had been taken to strengthen the human resources of the Bureau of Gender Affairs and a judicial officer had been appointed to identify and address the cause of delays in the adoption of the aforementioned bills and other pending laws including, inter alia, legislation on holidays entitlements and the regulation of accidents.

5. Women's representation in the National Assembly had increased slightly as a result of government- and NGO-backed projects, such as the "Ook Zij" (She too) campaign, to promote women's participation in decision-making processes and their involvement in political and public life. Further measures were planned in the run-up to the 2020 general election, in partnership with NGOs and international agencies.

6. The national policy on domestic violence was currently being updated. An evaluation of the protection order system, which was one of the protective mechanisms available under the law on combating domestic violence, was also due to be conducted in the course of 2018. As the 1,400 domestic violence cases reported annually were known not to reflect the true incidence of the phenomenon, with support from the United Nations Population Fund (UNFPA) steps had been taken to pilot a new system for recording cases. The pilot project would be implemented in two districts in the first quarter of 2018; an evaluation would be conducted after three months.

7. Although street prostitution was a criminal offence, the police exercised tolerance and in practice only sex workers who committed other offences, such as public order offences, were prosecuted. No specific data on such arrests were available because sex workers were arrested not on the basis of their occupation but on suspicion of criminal activity. That approach prevented their stigmatization, inter alia. In cooperation with the NGO New Beginnings Consulting Services, the Ministry of Health had launched a programme to promote the economic empowerment of sex workers that was open not only to women sex workers but also to men who had sex with men, and transgender persons. Potential participants were currently being screened.

8. To strengthen efforts to tackle human trafficking, the provisions of the revised Criminal Code extended jurisdiction to nationals who committed trafficking offences in

other countries and there was no statute of limitations for trafficking offences. Regular awareness-raising programmes were carried out, including campaigns specifically targeting women, who could be perpetrators as well as victims. Trafficking victims of both sexes had access to a shelter.

9. In spite of efforts to improve the national data-collection system, a lack of appropriate disaggregated data continued to impede evidence-based policy development and accurate measurement of the State's progress towards fulfilment of its national and international commitments. Against that backdrop, along with three other Caribbean Community (CARICOM) countries, and in implementation of an agreement with UN-Women signed in 2016, Suriname had committed to piloting the CARICOM gender equality indicators model. Use of that model would help the Government to address key policy concerns identified under the Convention, the Beijing Platform for Action and other international instruments, besides providing an opportunity to address any shortcomings in its data-collection and analysis systems, including any gaps in indicators for monitoring progress towards Sustainable Development Goal 5.

10. In order to increase gender awareness among policymakers in particular, a presentation on gender issues would be given to members of the Council of Ministers and the National Assembly later in the current month. The Bureau of Gender Affairs planned to implement awareness-raising programmes relating to the provisions of the Convention and training on the Convention would also be provided, within the framework of International Women's Day, to NGOs working on women's issues. Despite budget constraints and capacity limitations, the Government remained committed to promoting the conditions for gender equality and the full exercise of women's rights.

Articles 1 to 6

11. **Ms. Hayashi**, noting that, under the Constitution, international agreements took precedence over national law, asked whether the delegation could provide specific examples of gender discrimination cases in which the provisions of the Convention had been invoked, and how those provisions were implemented at national level, including within the judicial and the administrative systems, more generally. Information on the status of the bill to establish a constitutional court would be appreciated, as would information on the work of the National Human Rights Institute, including its mandate with regard to gender equality. She would specifically like to know whether the bureau that would be established to handle gender discrimination-related complaints would fall under the Institute's remit or would operate as a separate entity.

12. An explanation as to the reasons behind the delays in the adoption of various bills, including those on gender equality, harassment in the workplace and maternity rights, would be helpful, as well as an indication of the measures envisaged to accelerate their passage and the time frame for enactment.

13. She also invited the delegation to comment on reports that the Government disregarded the land rights of indigenous peoples and that members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community has been arbitrarily arrested and detained. What steps were being taken to eliminate discrimination against those vulnerable groups? It would likewise be helpful to know whether the State party had conducted any training sessions or research in connection with the Committee's general recommendation No. 33 (2015), on women's access to justice, or had made any legislative changes in line with its provisions, for example, in relation to legal aid. In that context, she noted that concerns had been raised previously about access to justice, including the provision of legal aid, and also about discrimination within the judicial system, particularly against indigenous and tribal communities.

14. In the light of the Human Rights Committee's recommendation regarding the investigation, prosecution and punishment of cases of gender-based violence (CCPR/C/SUR/CO/3, para. 26), she invited the delegation to provide a brief overview of the accessibility of justice mechanisms, including effective remedies for victims of violence, for women and girls.

15. **Mr. Eskak** (Suriname) said that the principle of equality was enshrined in the Constitution, which prohibited discrimination on any grounds. A definition of discrimination had been incorporated into the legal framework, including the revised Criminal Code.

16. While no specific mechanisms or procedures were in place to safeguard women's rights under the Convention, the Legal Aid Bureau supplied legal counsels free of charge in all areas of law to those with limited means. No quality assessments of the services provided by the Bureau had been conducted.

17. The Bureau of Gender Affairs fell within the remit of the Ministry of Home Affairs. It was responsible for developing and implementing gender-related policies and cooperated with partners including international and civil society organizations. Its activities included organizing training and awareness-raising activities. The National Human Rights Institute was expected to become fully operational by 2020. The complaints mechanism being considered by the Ministry of Home Affairs would form part of the Bureau of Gender Affairs. The mechanism would operate as the first port of call for all matters relating to gender: citizens would be able to submit complaints and suggestions relating to gender issues.

18. As regards delays impeding the adoption of key legislation, it was important to note that the Bureau of Gender Affairs had recently undergone major reforms. However, a judicial officer had been appointed to address those delays.

19. **Ms. Mac Intosh** (Suriname) said that the Government was committed to protecting the land rights of indigenous and tribal communities and had sought expert advice from the Special Rapporteur on the rights of indigenous peoples. Dialogue with those communities was ongoing and would continue until a nationwide solution was found. Indigenous and tribal peoples were part of Surinamese society and held positions in the Government, the judiciary and the legislature.

20. **Ms. Bethel** said that she wished to know whether the Convention was self-executing in the State party and, if so, how women could enforce their rights thereunder. Noting that article 8 of the Constitution prohibited discrimination on any grounds while the revised Criminal Code criminalized hate speech, employment discrimination and discrimination in the exercise of a profession on the basis of sexual orientation, she enquired as to what steps had been taken to uphold the rights of the LGBTI community, as enshrined in the Constitution and the Criminal Code, and what was being done to enforce the laws on hate speech and employment discrimination based on sexual orientation.

21. **Ms. Ameline** asked whether the State party had drafted a specific plan on women and peace and security, and how the Government viewed the role of women in security and the consolidation of the rule of law. She would appreciate the delegation's comments on the link between the Sustainable Development Goals and Security Council resolution 1325 (2000) on women and peace and security, given that the resolution recognized the undervalued and underutilized contributions that women made to peacebuilding and peacekeeping.

22. **Mr. Eskak** (Suriname) said that no study had yet been conducted on general recommendation No. 33. Discussions on the rights of LGBTI persons were under way. Religious groups had raised the most objections.

23. **Ms. Reijme** (Suriname) said that there had been no cases in which the provisions of the Convention had been directly invoked in court. However, the provisions of the Convention had been taken into consideration when drafting the law on combating domestic violence, which had been applied in both domestic violence and stalking cases.

24. **Ms. Malone** (Suriname) said that the Criminal Code, as amended in 2015, expressly criminalized occupational discrimination, incitement to hatred or violence, defamation by publication and condoning discriminatory action on the basis of sexuality. The Government had taken steps to raise awareness of those amendments among the wider public and would continue to do so.

25. **Ms. Song** said that, while commendable efforts had been made to improve the national machinery, major government institutions for gender equality had yet to take shape. She invited the delegation to comment on the current status of the Bureau of Gender Affairs, particularly as regards to whether it was sufficiently funded and staffed and whether the job description for gender focal points had been approved. Noting that the State party had cited inadequate influence of the gender focal points as a constraint in implementing the National Gender Action Plan, she wondered what action the State party had taken to overcome that challenge. She also wondered whether the Government had provided training for the staff of the National Human Rights Institute on gender issues and women's rights under the Convention. Lastly, she would appreciate clarification as to whether the National Gender Policy Plan for the period 2016–2020 had been finalized; if it had, whether it was the successor of the Gender Work Plan for 2013; what the plan's priorities were; and whether a special budget had been established for its implementation.

26. **Ms. Ameline** said that the State party might consider using temporary special measures to provide support for indigenous women in pursuing careers and establishing an official mechanism to implement the Committee's concluding observations and structure the national dialogue.

27. **Ms. Reijme** (Suriname) said that proposals for a new organizational structure that would strengthen the Bureau of Gender Affairs had been submitted to the Ministry of Home Affairs and would be discussed in the coming month. The job descriptions for the gender focal points had been completed and were pending approval by the Ministry. The Gender Work Plan had been evaluated in 2015 and the findings had been integrated into the baseline report drawn up with support from UNFPA. The State party was thus in a position to proceed with preparation of the National Gender Policy for the period 2018–2021. Education, violence, decision-making, labour and health had been identified as priority areas. The Bureau of Gender Affairs had its own budget and counted on the support of United Nations agencies to help it to overcome constraints. A team of 20 trainers attached to the Bureau of Gender Affairs assisted other government ministries and NGOs in their gender mainstreaming efforts.

28. **Ms. Song** said that rural women in all areas of economic life should also be taken into consideration when formulating the National Gender Policy Plan. Noting the State party's reliance on NGOs that often faced funding difficulties, she asked whether the Government provided such organizations with any financial support.

29. **Ms. Bethel** asked what percentage of the national budget was allocated to the Bureau of Gender Affairs, and what forms of gender inequality would anchor the National Gender Policy Plan. Given that reliable data would be needed to execute, monitor and evaluate action under the Plan, she would like to know how the State party planned to move forward in setting up an institution or mechanism to collect the necessary data.

30. **Mr. Eskak** (Suriname) said that the Government had embarked on unprecedented and sweeping reforms of the public sector. Information and communications technology played an important role in improving data collection. The General Bureau of Statistics used the gender indicators of the United Nations to compile gender data.

31. **Ms. Reijme** (Suriname) said that the CARICOM gender equality indicators would yield some of the data required to formulate the National Gender Policy. In addition, the Government had implemented the CariSECURE project initiated by the United Nations Development Programme. A corresponding task force, responsible for developing data recording and analysis techniques for use in the formulation of anti-crime policy, had been established.

32. The Government supported NGOs and community-based organizations by providing equipment, training and airtime on broadcasting networks. Furthermore, two employees of the NGO Stop Violence against Women received salaries from the Ministry of Foreign Affairs.

33. **Ms. Gbedemah** asked when the State party intended to develop long-term national programmes, strategies and indicators to combat gender stereotyping, as well as tools to monitor and assess the impact of activities to raise gender awareness; when the Ministry of

Education would integrate the basic life skills programme, which addressed gender equality as related to culture and tradition, into the school curriculum; when the current programme content would be audited to ensure that gender stereotypes were eliminated; when the programme would be reviewed; and what barriers hindered the implementation of long-term structural policies to eliminate gender stereotypes.

34. Since the vast majority of management positions in broadcasting were held by men, despite a large female audience, and television programming reinforced the traditional view of the role of women, she would appreciate information about any action being taken to tackle gender stereotyping and sexist content in the media. Whereas in the past a media council had monitored advertisements and prevented the broadcasting of content that reinforced gender stereotypes, no such council was currently active. She would therefore like to know whether such content was still monitored and, if it was, how many advertisements had been taken down, and by whom. She would also like details of any efforts made to raise awareness of gender stereotyping among advertising agencies and media corporations, and any research conducted to determine the extent of the problem.

35. **Ms. Arocha Dominguez** said she noted that the National Policy Plan on Domestic Violence for the period 2014–2017 had yet to be formally adopted and was, even now, in the process of being revised. She wished to know what obstacles were preventing the Plan's approval, particularly since it was intended to implement the law on combating domestic violence enacted in 2009; whether other related plans or programmes had been implemented, and, if so, which entity was responsible for their coordination and evaluation; and whether the draft Plan related only to domestic violence or covered other forms of violence against women. In that connection, she wondered whether the State party intended to review and update the law on combating domestic violence to take account of all forms of violence against women, and whether the bill on harassment in the workplace was ready for adoption. Lastly, referring to the 2016 concluding observations of the Committee on the Rights of the Child (CRC/C/SUR/CO/3-4), she asked what action the State party had taken to prevent and combat the corporal punishment of children.

36. **Ms. Bethel**, while welcoming the State party's efforts to combat human trafficking, which had included ratifying the Trafficking in Persons Protocol, said that the State party still did not meet the minimum standards for the elimination of trafficking in persons, as outlined in the United States Department of State Trafficking in Persons Report 2017. Noting that Suriname remained a source, transit and destination country for the trafficking of women and girls for the purposes of sexual exploitation or forced labour, and that the number of cases of trafficking in the country's remote interior had actually increased in recent years, she asked what specific challenges the State party faced in terms of improving the quality of data collected on trafficking of women and girls, ensuring full implementation of human trafficking-related laws and national policies, and developing appropriate regulations for more effective enforcement of the legislation.

37. She was concerned that, according to paragraph 58 of the State party report, most trafficking victims only received assistance from their family, friends or NGOs and the State party had just one shelter able to accommodate 20 trafficking victims. She wondered whether the Government intended to create additional facilities, in particular in remote areas, and what support and assistance were provided to victims by the State. She also asked whether women victims of trafficking for the purposes of sexual exploitation were offered immunity from criminal prosecution; how many arrests, prosecutions and convictions for trafficking there had been; what sentences had been handed down; and what training and awareness-raising activities were conducted for public officials, including law enforcement and border officers, and for civil society and indigenous and tribal communities. Lastly, she wondered what laws and policies were in place to ensure that foreign victims of trafficking, such as women from the Bolivarian Republic of Venezuela, were provided with appropriate protection and access to asylum procedures in Suriname.

38. **Ms. Reijme** (Suriname) said that a number of measures had been taken to combat gender stereotypes. For example, the television channel of the National Assembly regularly broadcast programmes on the subject to raise public awareness. Training sessions were also frequently held to sensitize parliamentarians and other target groups.

39. **Mr. Eskak** (Suriname) said it was hoped that the bills on equality of treatment and on harassment in the workplace would be ready for submission to the National Assembly by the end of March 2018. Although there was no specific legislation prohibiting the use of corporal punishment, cases of violence against children were dealt with under the Civil and Criminal Codes, the law on combatting domestic violence and other relevant laws. Protection measures were initiated in accordance with the seriousness of the case and could include placing the child in the temporary care of the Bureau for Family Law Affairs. There were currently three child protection centres, where adults and children alike were able to seek information or report cases of violence against girls and boys. The Ministry of Justice and Police was working with the United Nations Children's Fund to evaluate the effectiveness of those centres with a view to establishing more across the country. Admittedly, a number of laws, such as the Civil Code and a law establishing a children's ombudsman, needed to be updated or enacted to provide better protection for children. That said, the adoption of specific legislation alone would not necessarily eliminate corporal punishment. Parenting education programmes, as well as training for teachers and other professionals working with children on a daily basis, were also required.

40. **Mr. Akkal** (Suriname) said that the Ministry of Justice and Police was currently planning raids in areas potentially used by traffickers in the country's interior. There was currently no demand for additional shelters — or safe houses — for trafficking victims, since sufficient places were already available. In that connection, a policy compliant with the Trafficking in Persons Protocol was in place to enable foreign women who were victims of trafficking to apply for leave to remain in Suriname. Information on legal and asylum procedures was provided to foreign victims as soon as they were rescued from traffickers. The interministerial working group set up to combat trafficking in persons had 35 trainers who conducted training on trafficking in persons for government departments, police officers, labour inspectors and other public officials. Awareness-raising was carried out on national and local radio and television networks, including in remote areas, and a campaign had been launched on the website of the national police. Data on trafficking was currently being collected by the police and the Public Prosecution Office, and there were plans to establish a specialized entity to standardize the process.

41. **Ms. Reijme** (Suriname) said that two projects to improve sexual and reproductive health education had been developed. Under the first, primary schoolteachers received technical assistance and training in how best to discuss issues such as sexuality with children. Under the second, the basic life skills programme, which included comprehensive sexuality education and gender-equality teaching, was to be introduced into primary and secondary school curricula; the programme would be trialled in seven schools in the current academic year before being rolled out to all primary schools nationwide.

42. **Ms. Gbedemah** said that, while the information provided was useful, her questions had specifically related to what the State party was doing to break down gender stereotypes in general and prevent stereotyping in the media in particular. She urged the delegation to respond to her concerns, including, inter alia, by providing details of activities undertaken to promote women's rights and counter negative images of women in the media.

43. **Ms. Arocha Domínguez** said that she would be interested to know what regulations were being implemented and actions being taken to combat domestic violence, in view of the fact that the National Policy Plan on Domestic Violence 2014–2017 had yet to be formally adopted.

44. **Ms. Bethel** said that she would welcome clarification about the specific measures being undertaken to combat human trafficking in the country's interior regions. She would also appreciate answers to her questions regarding the services and support provided to trafficking victims in the country's shelter; the number of traffickers arrested, prosecuted and convicted; the nature of the sentences imposed; and immunity from prosecution for victims of trafficking for sexual exploitation.

45. **Mr. Eskak** (Suriname) said that the media was free and thus able to broadcast adverts of its choosing. However, programmes aimed at challenging gender stereotypes were regularly shown on certain television channels, including the Government's own station. Regarding domestic violence, pending implementation of the National Policy Plan

on Domestic Violence, the regulations in force were those contained in, among others, the law on combating domestic violence.

46. **Mr. Akkal** (Suriname) said that, in addition to awareness-raising activities on local radio stations, measures to combat trafficking included police patrols in remote parts of the country, sometimes in cooperation with the International Criminal Police Organization. Counselling and other services were provided to trafficking victims in partnership with the country's psychiatric institute. Under the revised Criminal Code, the maximum penalty for traffickers was life imprisonment. Judges were empowered to hand down sentences proportionate to the gravity of the offence.

47. **Ms. Reijme** (Suriname) said that, while efforts to encourage media organizations to participate in training on gender stereotypes had so far been unsuccessful, renewed endeavours would be made in that regard. Research on gender stereotypes was conducted by the Anton de Kom University of Suriname and was used to shape policymaking.

48. **Ms. Gbedemah** said that, while a free media was commendable, in order to bring about changes in mentality, monitoring mechanisms were necessary to tackle adverts that perpetuated traditional gender roles and stereotypes.

49. **Ms. Reijme** (Suriname) said that adverts that showed women and men in traditional gender roles were often used in training to demonstrate the problem with gender stereotypes. More and more companies were, however, portraying women and men in less traditional roles.

Articles 7 to 9

50. **Ms. Ameline** said that, according to the State party report, women did not generally occupy high-level posts. While the various awareness-raising and other activities undertaken to increase women's representation were commendable, she was concerned that a more structured approach was sorely needed. She wondered whether the State party envisaged devising a more comprehensive strategy and implementing temporary special measures to ensure women's equal participation in public and political life, including the use of quotas, financial incentives and even penalties for non-compliance.

51. **Ms. Narain** said that the 2014 amendment of the 1975 law regulating Surinamese nationality, although welcomed, seemed not to have retroactive effect. In the light of article 9 of the Convention and the Committee's general recommendations No. 30, on women in conflict prevention, conflict and post-conflict situations, and No. 32, on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, she would appreciate more information on the administrative barriers that reportedly prevented children born to foreign parents in Suriname from acquiring Surinamese nationality at birth. She particularly wished to know whether discriminatory practices hampered the process of effective birth registration, potentially resulting in statelessness; and, if so, how the Government planned to eradicate those practices in order to ensure that no girls born to foreign parents in Suriname before 2014 became stateless. It would also be instructive to learn whether it was the case that indigenous and tribal peoples, and in particular indigenous women, faced persistent structural discrimination that prevented them from registering the births of their children, as had been reported. If such discrimination did indeed exist, what legislative and administrative measures were planned to facilitate birth registration in all communities?

52. **Ms. Malone** (Suriname) said that her country recognized the importance of ensuring that women were well represented at all levels of political and public life. However, a quota system was not the only means of achieving that aim. In preparation for the forthcoming elections, consideration would be given to a number of strategies for increasing the participation of women in political and public life, including awareness-raising.

53. **Ms. Ameline** said that, in the short term, quota systems were the best means of increasing the representation of women. It would be interesting to learn why women were better represented in the diplomatic service than in other areas of public life.

54. **Ms. Malone** (Suriname) said that the strong representation of women in the diplomatic service reflected the importance that the Government attached to the

representation of women in decision-making positions more generally. The Ministry of Foreign Affairs took into account the gender balance of any delegations sent to represent Suriname at the international level and recommended that other ministries did the same.

Article 10–14

55. **Ms. Gbedemah** said that she would like to know whether temporary special measures had been introduced to encourage girls to study subjects that would improve their employment prospects. With regard to tertiary education in particular, she would appreciate clarification regarding the statistics on women's participation included in the State party report, which indicated that, even if female students outnumbered their male counterparts, the overall number in higher education was extremely low. On a separate point, she wondered what measures would be taken to improve access to education for indigenous and Maroon girls with disabilities, girls living in the interior, girls belonging to minority groups and girls living in poverty — all of whom experienced multiple discrimination — and what was being done to ensure that education remained accessible to girls belonging to those groups.

56. It was unclear what steps had been taken to address the disparity in school enrolment rates between children living in urban areas and those living in the interior; what had been done to expand the delivery of education in indigenous and tribal languages; what efforts had been made to improve the quality of the education provided in rural areas; what measures had been taken to encourage teachers to accept positions in rural areas; whether there were plans to build more schools closer to children's homes; and whether consideration would be given to the possibility of using other tools, such as information and communication technologies, to improve the provision of education in rural areas.

57. She also wished to know how the Government's engagement with the dedicated platform mentioned in the opening statement would improve the lives of LGBTI pupils and create a positive learning environment; whether a well-publicized complaints procedure was in place; and, if so, how many cases had been resolved through the imposition of a penalty.

58. It would likewise be helpful if the delegation could indicate what oversight mechanisms had been introduced to prevent pregnant teenagers from being expelled from school; what sanctions were imposed in the event of non-compliance; how many teenagers had been affected; and where those teenagers lived. In addition, she would appreciate an explanation of the rationale behind the decision to offer pregnant teenagers the opportunity to continue their education through training courses offered by the Ministry of Labour and NGOs. What subjects were covered in those training courses and how long did they last? With regard to sexuality education, she wished to draw attention to the standards set out in the Committee's general recommendation No. 36 (2017), on the right of girls and women to education. Lastly, she asked whether the age for completion of compulsory education would be raised to 16 years.

59. **Mr. Bergby** said that he wished to know whether article 28 of the Constitution, which established the principle of equal work for equal pay, would be brought fully into line with the Equal Remuneration Convention, 1951 (No. 100) of the International Labour Organization (ILO), which provided for a right to equal remuneration for work of equal value, and, if not, whether labour legislation would be amended to establish that right; whether the State party planned to conduct a survey to compare the work done by women and men respectively; when ILO Convention No. 100 and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which had both recently been ratified, would be implemented; and what resources would be set aside for their implementation.

60. He would appreciate an explanation as to the increase in the female unemployment rate over the period 2004–2012, during which time the male unemployment rate had actually fallen, and the large disparity between the male and female labour force participation rates in 2016. It was unclear what specific measures were planned to promote the employment of women, in particular women belonging to minority groups, indigenous and Maroon women, and women living in poverty, and what prevented the State party from

immediately abolishing the dormant provisions of the Civil Servants' Act (*Personeelswet*) under which a female civil servant could be dismissed if she married.

61. He wondered whether the Minimum Hour Wage Act had entered into force; what its effect had been or would be; whether it would apply to both the public and private sectors; and how the informal sector could be regulated in that connection. With regard to labour segregation, he would like to know how the State party planned to increase the number of women working in those sectors of the economy in which wages were higher than average.

62. He would be grateful if the delegation could lay out the proposed timeline for the adoption of the bill on harassment in the workplace and indicate what resources would be set aside for its implementation and whether it would be enforced in both the public and private sectors. The timeline for adoption of the draft civil code, which would provide for mandatory paid maternity leave for all employees, was also unclear. He wished to know whether women working in the informal sector would qualify for mandatory paid maternity leave under the draft civil code and, if not, what provision could be made for such women. Lastly, he wondered whether consideration had been given to the possibility of making provision for paternity leave, even if only of a few weeks in duration.

63. **Ms. Arocha Dominguez**, seeking more information on the provision of health-care services in remote areas and among vulnerable groups, asked what specific programmes had been organized in remote areas of the interior; whether the emergency health-care services provided in those areas were adequate in terms of, inter alia, medical facilities and human resources; and what measures had been taken to address nutritional deficiencies, combat water contamination and prevent sexually transmitted infections (STIs), including, in particular, HIV infection. In addition, she would appreciate more information on the decentralized programmes, in particular prevention programmes, organized to combat cervical, womb and breast cancer. It was unclear whether the sexual and reproductive health programmes organized in the State party were accompanied by medical, family planning and STI prevention services.

64. She wondered whether NGOs and legislators were actively considering the possibility of abolishing the legislative provisions under which a penalty could be imposed on a woman who underwent an abortion and whether the impact of unsafe abortions on the maternal mortality rate and the frequency of obstetric complications had been studied. It would also be useful to know whether contraceptives were widely available; whether they were frequently used; whether the frequency of their use had been found to correlate with rates of STIs, including HIV infection; what treatment was available for HIV-positive persons, in particular women; and whether such treatment, including antiretroviral therapy, was provided free of charge or was subsidized. Lastly, in the specific context of health care, she wished to know what steps had been taken to protect women from discrimination on grounds of ethnicity, HIV status, and sexual orientation or gender identity.

65. **Ms. Lamsberg-Macnack** (Suriname) said that the Medical Mission was responsible for the provision of health-care services in the interior. However, certain procedures, including screening for breast cancer, were available only in the capital. There were currently no plans to amend the provisions of the Criminal Code under which abortion was punishable. The Government was currently preparing to conduct a study on maternal mortality. Several NGOs and health services provided sexual and reproductive health education, including in schools. One of those NGOs was the Lobi foundation health centre, which also provided family planning services and screening for breast and cervical cancer.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1585

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Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1585th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 28 February 2018, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth to sixth periodic reports of Suriname (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth to sixth periodic reports of Suriname (*continued*) (CEDAW/C/SUR/4-6, CEDAW/C/SUR/Q/4-6 and CEDAW/C/SUR/Q/4-6/Add.1)

1. *At the invitation of the Chair, the delegation of Suriname took places at the Committee table.*

2. **The Chair** said that, at the invitation of the Committee, other members of the delegation would be speaking via video link from Paramaribo.

Articles 7 to 9 (*continued*)

3. **Ms. Malone** (Suriname) said that nationality was recognized under the regime of jus sanguinis and that children were recognized as Surinamese citizens if at least one of their parents was Surinamese. The legislation allowed children born in Suriname before 2014 who did not have citizenship to apply for Surinamese nationality. If such children did not claim the nationality of their parents, they were automatically given Surinamese citizenship. The Medical Mission, which provided extensive coverage throughout the country, worked in cooperation with the Ministry of Home Affairs to ensure that births were registered in the hinterland, and it was the Medical Mission that made declarations with regard to doctors and surgeons.

Articles 10 to 14 (*continued*)

4. **Ms. Reijme** (Suriname) said that there were no special measures in place to encourage women to pursue an education in sectors traditionally dominated by men. However, at the post-secondary level, women outnumbered men in various fields of study where they had previously been in the minority. In the 2016/17 school year, 57 per cent of students enrolled at the Faculty of Technological Sciences were women and 62 per cent of those in the Faculty of Medical Sciences were female. The Vocational Training Institute of the Ministry of Labour encouraged women to study subjects other than manicure and nursery services, but the women themselves often opted for training in traditionally female fields. The Institute was also sometimes asked to provide training by other bodies. For instance, in 2016-2017, women in two villages had been trained in water basin management and had received certification.

5. For girls with disabilities in remote areas, access to education was a subject of concern for the Government, which had recently ratified the Convention on the Rights of Persons with Disabilities. Since December 2017 the Ministry of Social Affairs and Housing had been carrying out awareness-raising programmes at training centres and schools for persons with disabilities. The Ministry was also developing a road map containing specific actions to improve the education system for persons with disabilities within a specific time frame. It would also conduct a survey to establish the number of persons with disabilities in the country and to better identify their needs, thus shaping future policies.

6. Dutch was the language of instruction at all schools, including those in the interior, because giving all children equal opportunities was the priority. Local languages could be used in the first years of schooling, but it was generally considered that continuing instruction in the local language would run the risk of perpetuating discrimination and would be prejudicial to students' progress. The need to ensure competitiveness would require more instruction in foreign languages such as English or Spanish.

7. There were plans to build more schools, but they had been delayed owing to administrative problems. Approximately 20 schools were currently being refurbished or built under the Basic Education Improvement Project. Distance learning pilots were currently being developed, and a decision would soon be taken as to which districts would host them. Information technologies had been used at vocational and secondary schools for some time and their use had recently been extended to certain junior secondary schools as well. In 2016 the Ministry of Education had adopted instructions stipulating that pregnant

students must have access to education services without discrimination and a protocol had been issued for its implementation by all secondary schools. Young mothers had been systematically registered by the Ministry since 1988, either directly or through youth organizations, and they were provided with the tools and skills required to assume their responsibilities as mothers and to prevent second pregnancies. Training programmes were aimed at empowering them and ensuring their economic resilience. Some of the programmes taught them skills such as hairdressing, manicure and pedicure.

8. In 2017 the Ministry had established an interdepartmental committee on community development to provide specific, comprehensive advice on youth policy based on research and up-to-date data. It was hoped that it would thus be able to register girls who had previously failed to register. Late in 2017, it had also established a platform for youth organizations, tasked with encouraging all youth, and specifically young women, to take part in the economic development of their community. The registration of those organizations had already begun. Where no such organizations existed, the programme encouraged local youths to form groups and associations through training and capacity-building. In the field of sport, the Government aimed to address the challenges facing all disadvantaged youths, including girls, through a community-based approach. The Ministry of Sport and Youth Affairs implemented after-school programmes that encouraged youths to spend leisure time in a responsible manner and to develop life skills through regular sporting activities.

9. **Mr. Eskak** (Suriname) said that the Ministry of Labour had established a commission to prepare a bill on equal pay for work of equal value and that the bill would help to bring the country's labour law into line with the requirements of the conventions of the International Labour Organization (ILO). The bill, together with another one addressing conditions of work, was expected to be submitted to the National Assembly in March 2018. A working group had been established to examine the need to revoke discriminatory provisions in the Civil Servants' Act (*Personeelswet*), and the Bureau of Gender Affairs had presented relevant proposals. The main hindrance to implementation of the law on sexual harassment in the workplace consisted of organizational challenges within the Government; the main issues revolved around the capacity and jurisdiction of the labour inspection services. It was considered that the law should be revised or otherwise amended to address those issues. In mid-February 2018, a bill on parental leave upon the birth of a child had been submitted to the parliament; it provided for paternity leave of a maximum of five days.

10. Suriname was currently recovering from a severe economic recession, but the latest census figures, from 2012, indicated that over 4,000 men and some 1,850 women from indigenous tribal groups had been employed at the time. Specialized training was provided to indigenous and tribal peoples in accordance with their needs and competencies, and they received support for entrepreneurship, for example, through cooperatives that assisted them in processing and selling goods. The minimum wage had been in effect since 2014, and a commission had called for the law establishing the minimum wage to be revised. No law could establish a minimum wage in the informal sector; it would be impossible to monitor compliance since such employment was not registered. While both of the recently ratified ILO Conventions had been approved by the National Assembly, enforcement was the responsibility of the Ministry of Labour. He would ask the Ministry to explain any delays in their implementation. A revision of the Civil Code had already been prepared and would be submitted to the National Assembly for approval in the second quarter of 2018.

11. **Ms. Lamsberg-Macnack** (Suriname) said that the Government and the Medical Mission, working with the Pan American Health Organization and the United Nations Children's Fund, were currently conducting a water sanitation and hygiene project in the upper Marowijne area. The project encompassed community awareness activities, the provision of clean water and the elimination of open defecation through the introduction of latrines. Components of the same project were implemented elsewhere in the hinterland by the Government. As far as she knew, no research had been carried out into the spread of sexually transmitted diseases, including HIV/AIDS, or the prevalence of mother-to-child transmission. Everyone in Suriname, regardless of ethnicity, gender, health status or social

background, had access to health services. HIV/AIDS medication and contraceptives were covered by health insurance.

12. **Ms. Gbedemah** said that, when she had raised the issue of local languages, she had not wished to suggest that non-native languages should be totally eliminated from schools. General recommendation No. 36 (2017) emphasized the fact that instruction in non-native and native languages was not mutually exclusive. In the education system it was important to strike the right balance between instruction in native languages, which were useful to engage students and uphold their culture, and non-native languages.

13. The Committee was aware that a law had been adopted to protect the right to education of pregnant girls, but it was concerned that the authorities' efforts to ensure their reintegration fell short. If a girl was studying science, or any other subject, and she dropped out of school owing to pregnancy, why should she be assigned to vocational classes on subjects such as manicure? Why should her education be provided by anyone other than the Ministry of Education?

14. The Committee would like to hear the delegation's views concerning reports of discrimination against lesbian, gay, bisexual, transsexual and intersex (LGTBI) learners, gaps in the education system in remote areas and the need for girls to relocate to continue their studies. Had the State party considered raising the age of compulsory education to 16 years old? In the view of the Committee, it was vital to attract the best teachers to rural areas, if necessary with incentives, even if that meant paying substantial bonuses. The Committee would also like to find out about sanitary conditions for girls in the schools that were being refurbished and rebuilt.

15. **Mr. Bergby** said that he would like to know whether the Government had any plans to conduct a survey of remuneration in traditionally male and female occupations, especially in the light of the fact that the State party intended to adopt laws and implement ILO conventions that addressed the question of equal pay for work of equal value. Such a survey would be particularly important in that context. Noting that children were able to start working in most types of employment at the age of 14 years old, he asked whether the new law on harassment would expressly protect children against sexual harassment in the workplace.

16. **Ms. Bethel** said that, although discrimination based on sexual orientation was prohibited under the Criminal Code, LGBTI women still faced discrimination in employment, according to alternative sources. For instance, transgender women had allegedly been prohibited from working as teachers. She invited the delegation to comment on that situation, noting that any such prohibition would violate the right to work enshrined in the Constitution. She would also welcome its comments on reports that LGBTI women faced discrimination in access to health care.

17. **Ms. Reijme** (Suriname) said that Moravian schools had established a project to promote multilingual teaching that had led to better academic performance. Under the programme, which had not yet been implemented nationwide, children were taught in Dutch and a local language.

18. Although schools did not have the right to expel girls who became pregnant, some pregnant girls opted to leave school of their own accord in order to pursue vocational training. The Government would consider ways of offering a wider range of choices to pregnant girls.

19. **Mr. Eskak** (Suriname) said that no special survey had been carried out to measure the extent of the gender wage gap. Children were protected from sexual harassment under criminal and civil law. The bill on the prevention of harassment in the workplace and the bill on equal pay were currently being drafted.

20. **Ms. Malone** (Suriname) said that, despite changes in the law to address discrimination against LGBTI persons, the Government acknowledged that such persons continued to face discrimination and stigmatization. The Ministry of Justice and Police had identified the inequalities that they experienced and had developed a policy to promote their human rights. After the country's last universal periodic review, the Minister of Justice and Police had established a working group tasked with interviewing individuals to gather

information about discrimination directed at LGBTI persons. The interviewees had included representatives of religious organizations, sports organizations, youth groups, government agencies, men's and women's interest groups and private sector organizations. The process was intended to provide an insight into the perspectives of LGBTI persons, determine the level of public awareness of the issues that they faced, and ascertain the gravity of the human rights violations they suffered, the attitudes of civil society towards them and the degree of resistance to their acceptance in society. The results of the interviews had been presented to the National Assembly and follow-up actions stemming from them would be initiated by the Ministry of Justice and Police.

21. The Ministry of Education was unaware of any cases in which LGBTI women had been banned from teaching in schools.

22. **Ms. Acosta Vargas**, noting that social programmes had apparently continued to operate despite the economic downturn of 2016, said that she would welcome information on the social protection programmes currently in place and the amount of money invested in them. She would also like to know whether new emergency programmes had been established to cater for those most affected by the economic downturn; whether rural women were still able to obtain loans through the microcredit fund established in 2010; and whether any evaluation of the credit mechanism's efficacy had been undertaken. It would likewise be interesting to learn whether the tax collection system took into account the difficulties faced by single mothers on low incomes; whether women heads of household were able to obtain benefits for their children without authorization from the children's father being required; and whether married women still needed their husbands' permission to open a bank account.

23. The Committee also wished to know whether agriculture was given priority over mining; whether land grants in implementation of social development policy were concentrated in rural areas; and whether the Directorate for the Sustainable Development of the Indigenous Peoples and the Directorate for the Sustainable Development of Afro-Surinamese Peoples of the Interior/Maroons provided sufficient protection and guidance for women in rural and inland areas. She further enquired what body was responsible for regulating private mining operations; whether the water quality in mining areas was regularly monitored; what measures were taken when mercury was detected in water sources; and to what extent mining companies were held responsible for pollution in rural areas.

24. It would be interesting to learn about any temporary special measures that had been implemented to protect women belonging to the most vulnerable groups, including indigenous, Afro-Surinamese and Maroon women. In particular, she wished to know whether any initiatives had been launched to help women who had previously benefited from conditional cash transfers to enter the labour market and earn a regular wage. More generally, she wondered whether the State party had a vision for the social development of rural women that would respect their right to self-determination and acknowledge the importance of factors such as landownership and access to electricity, drinking water, health care, credit and technology.

25. Noting that the State party had committed itself to respecting the land rights of indigenous peoples, she asked whether the peoples themselves realized that their rights to their ancestral lands were protected; whether tribal and indigenous organizations were represented in the Land Rights Bureau established in 2013; how tensions and legal disputes arising from demands for the protection of lands had been resolved; and whether plans were in place to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

26. She would also like to know whether the State party had an infrastructure in place to receive refugees and asylum seekers; whether standards had been established for their treatment; and whether specific refugee and asylum legislation would be introduced to bring the State party into line with its international obligations. The Committee would likewise be grateful for information on the origins and situation of asylum seekers in Suriname and on the measures currently in place to deal with them.

27. She further enquired as to how many girls and women had been deprived of their liberty; how many were being held in pretrial detention; and whether non-custodial

measures were available for mothers, in accordance with the Bangkok Rules. Lastly, she asked whether unemployed women between the ages of 18 and 59 years had access to health care, and whether support was provided to families whose members included persons with disabilities.

28. **Ms. Reijme** (Suriname) said that the cash transfer programme had been reviewed, and had been replaced by a programme for the promotion of well-being and labour. To date, only a pilot version of the programme had been run; full implementation was being delayed by a lack of necessary software and hardware. Under those parts of the programme that were operational, subsidized food parcels were provided to poor households, and financial aid and subsidized health care were granted to persons with disabilities. Until the launch of the information management system, which would automatically identify families entitled to support, it would remain necessary for families to be registered for the programme. Families in receipt of social benefits were required to ensure that their children attended school and received timely health checks. Measures were in place to identify and offer guidance to any members of beneficiary families who were able to work.

29. **Ms. Acosta Vargas** said that she was still awaiting replies to her questions concerning the microcredit fund, the existence of special tax rates and collection policies for low-income single mothers who were heads of households, and the requirement for women to seek authorization from their husband before applying for family benefits or opening a bank account.

30. **Ms. Malone** (Suriname) said that as a number of issues regarding land rights had not yet been resolved, ratification of ILO Convention No. 169 was still under consideration.

31. **Ms. Reijme** (Suriname) said that the microcredit fund set up in 2010 was still in place. Unemployed women aged 18 to 59 had health coverage as part of the country's national basic health insurance system. A fund had been set up by the Ministry of Trade and Industry to cover insurance premiums for working-age persons who could not afford them. Children and older persons were provided with health insurance by the Government. A dedicated fund was also in place to provide credit to the owners of micro-, small and medium-sized enterprises.

32. **Ms. Bethel** said that she would welcome an indication of the action that had been taken in response to three judgments in which the Inter-American Court of Human Rights had found against the State party in cases involving the land rights of indigenous and tribal peoples. She also wondered whether the pending national communication on climate change, the State party's second, would include the gender perspective that had not been included in the first communication, which had been issued in 2005. In that connection, it would be interesting to know how the State party intended to involve women in its efforts to reduce the risk of disaster posed by the effects of climate change.

33. **Ms. Malone** (Suriname) said that Suriname had generally complied with the orders of the Inter-American Court of Human Rights related to the monetary satisfaction to be provided to the petitioners. The orders concerning land rights had not yet been carried out, however, as consultations on the issue, including with the indigenous and tribal peoples concerned, were ongoing. Further information on the efforts made by the Government to comply with the Court's judgments would be provided in writing in due course.

Articles 15 and 16

34. **Ms. Narain** said that she would welcome an indication of the timeline for adoption of the amended Civil Code, which apparently addressed a number of issues of concern to the Committee, including the minimum age for marriage, which was currently 15 for girls and 17 for boys, the obligation for children to take their father's surname, and the granting of parental authority to fathers rather than mothers. She wondered what obstacles were impeding adoption of the amendments, and whether civil society, including organizations of and for women and children in particular, had been consulted as part of the drafting process.

35. She wished to know what measures were being taken to prevent child marriage, whether campaigns had been conducted to warn parents and girls of the dangers of child

marriage; whether there were shelters for victims of child marriage; and whether the State party might consider establishing a mechanism to which victims could submit complaints and from which they could receive appropriate counselling. Similarly, it would be interesting to know what efforts were being made to provide a legal framework for tribal marriages. Lastly, she asked what progress had been made towards the adoption of measures to prohibit the corporal punishment of children in the private and public spheres — a recommendation that had been accepted by Suriname as part of the universal periodic review of 2016 — and whether the provision requiring married women to use their husband's surname on their national identity cards had been repealed as part of the amendments to legislation on personal identification that were to be considered by the National Assembly in March 2018.

36. **Mr. Eskak** (Suriname) said that the revision of the Civil Code, which had been a long and complex undertaking, was complete. The National Assembly was expected to vote on adopting the amended text by the end of the second quarter of 2018. Once the bill on personal identification was made law, married women would be able to use their maiden names in their identity documents. There was no law specifically banning corporal punishment but children were afforded protection from abuse under the country's civil and criminal laws.

37. **Ms. Narain** said that she would appreciate a response to her question regarding the involvement of organizations of and for women and children in the amendment of the Civil Code and to the other issues she had raised. She also wished to know whether the corporal punishment of children was considered a criminal offence. If it was, it would be interesting to know how many persons accused of administering such punishment had been prosecuted in recent years.

38. **Ms. Reijme** (Suriname) said that the National Coordination Centre for Disaster Management made every effort to ensure the effective participation of indigenous and Maroon women in its activities in the interior, including in the coordination of emergency assistance. Women accounted for an increasing number of members of the traditional authorities of the indigenous and Maroon peoples with whom the Centre worked, and men and women participated on an equal footing in the environmental projects overseen by the National Institute for Environment and Development in Suriname. The aim of one of those projects, known as REDD-plus, was to reduce emissions from deforestation and forest degradation in developing countries. Women were thus participants in the activities undertaken in Suriname to reduce the risk of disasters.

39. **Mr. Eskak** (Suriname) said that answers to the remaining questions would be provided in writing within 48 hours. Noting that the constructive dialogue with the Committee had thrown into sharp relief the challenges still to be addressed by the Government of Suriname in order to eliminate all forms of discrimination against women, he assured Committee members that all due consideration would be given to their recommendations.

The meeting rose at 4.30 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1586th meeting
Held at the Palais des Nations, Geneva, on Thursday, 1 March 2018, at 10 a.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Luxembourg

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Luxembourg (CEDAW/C/LUX/5-7; CEDAW/C/LUX/QPR/6-7)

1. *At the invitation of the Chair, the delegation of Luxembourg took places at the Committee table.*

2. **Ms. Mutsch** (Luxembourg), introducing her country's combined sixth and seventh periodic reports, said that the principle of equality between men and women was enshrined in the Constitution. Luxembourg was one of the few countries in the world that had a ministry exclusively dedicated to protecting women's rights and promoting equality. Nevertheless, inequalities remained, particularly in terms of the gender wage gap, the overburdening of women with domestic activities and the underrepresentation of women in political and economic life.

3. The Government had adopted equality between men and women as a guiding principle for all political action. The 2015–2018 National Action Plan on Gender Equality governed equality policy and the Ministry of Equal Opportunity coordinated action in that regard. The Ministry focused on a number of areas, including integrating women into the labour market, reducing the gender wage gap, boosting the participation of women in economic decision-making, achieving equal treatment in the workplace and reconciling professional and family life.

4. The law of 15 December 2016 had introduced the principle of equal pay for men and women into the Labour Code, under which infringements by employers were punishable by a fine of up to €50,000. Companies that participated in the affirmative action programme for the private sector were required to use software developed by the Ministry to monitor and detect any discrepancies between the salaries of men and women. In exchange, companies that passed an assessment benefited from ministerial approval, financial assistance and an annual award scheme. The programme had been reformed in 2016 and covered equal treatment, equality in decision-making and equality in reconciling work and family life. Around 100 businesses employing 11 per cent of the country's workforce participated. The gender pay gap had halved over the last decade, placing Luxembourg in first position in the European Union ranking.

5. Given the underrepresentation of women in decision-making positions, the Government aimed to increase to 40 per cent by 2019 the proportion of women on the boards of directors of public companies and private enterprises in which the State held shares. That proportion had already risen by 7 percentage points between January 2015 and the end of 2017. Following an amendment to the law, public funding would be available only for political parties that fielded 40 per cent women candidates at the national level and 50 per cent at the European level. The "Vote Equality" (votezegalite.lu) campaign launched by the Ministry of Equal Opportunities, in partnership with a number of actors on the ground, had boosted the number of female candidates running for office at the local level by 3 percentage points since 2011.

6. In order to provide optimum care for victims of domestic violence, the Ministry had signed cooperation agreements with a dozen NGOs, with a total budget of €13 million. The Ministry also regularly held media campaigns, demonstrations and conferences to raise awareness of domestic violence, which included a study on its causes that was presented and discussed with national and international experts in March 2015. The Ministry had taken part in international initiatives, including the "White Ribbon" campaign in November 2015 and Orange Week in November 2017, to put an end to violence against women and girls and break the taboo surrounding domestic violence. A multilingual campaign had recently been launched to raise awareness about domestic violence among migrant communities. The Domestic Violence Law had been amended in 2013 to enable all victims to benefit from domestic violence protection orders, to provide children who witnessed acts of domestic violence with care, support and counselling and to extend the length of the protection orders from 10 to 14 days. The law had also provided for restraining orders and

required offenders to report to a monitoring service within seven days of the issuance of the order. A government committee oversaw the application of legislation in that area and gathered statistics published every year. Awareness-raising and prevention efforts had borne fruit: the number of orders issued had declined by over 42 per cent between 2012 and 2017, and the number of police interventions had also fallen. In October 2017, the Government had tabled a bill for the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which Luxembourg had signed in 2011.

7. The State party had launched the "Stop Trafficking" (stoptraite.lu) campaign in December 2016 to raise public awareness and help better identify victims. The Ministry of Equal Opportunities worked in close cooperation with two NGOs, the police and the Prosecutor's Office to assist victims in rebuilding their lives. The Government had adopted a two-part national strategy concerning prostitution. The National Action Plan on Prostitution aimed at helping women to leave prostitution, reinforcing project Streetwork, aimed at young people living in cities, and improving sex education. In addition, legislation had been amended as part of the fight against prostitution, procuring and human trafficking for sexual exploitation. Clients were liable to punishment under the Criminal Code if it was proved that they used the services of a prostitute in a vulnerable situation.

8. In recognition of the fact that men also faced a range of issues, the Ministry of Equal Opportunities jointly financed a consultation service for men facing difficulties such as job loss, domestic violence or illness. During its presidency of the European Union, her Government had held discussions on how best to respond to the needs of men and women in reconciling work and family life, highlighting the role of men in gender mainstreaming. In that connection, the third International Conference on Men and Equal Opportunities, organized by the Ministry, covered areas such as men in jobs traditionally associated with women and in childcare. Political reforms had also been undertaken in those areas.

9. The Ministry had published three children's books in efforts to raise awareness of and combat gender stereotypes from a young age. For older children, a memory game had been introduced in 2014 where players had to match pictures of women and men doing the same work. In recognition of the importance of training in gender equality, all new civil servants at the national and regional level were required to undergo a 6-hour equality training course. Furthermore, a number of persons who had been given international protection in Luxembourg in recent years had received training in gender equality.

Articles 1 to 6

10. **Ms. Hofmeister** said that she wondered how the State party intended to accelerate the adoption of international treaties under the county's monistic system given the current long time frames for incorporating international law into national legislation. She would appreciate an outline of the action taken to address the lack of legal provisions concerning gender mainstreaming budgeting and the results of such action. Noting the poor condition of the facilities of the Advisory Commission on Human Rights, she would like to hear what plans were in place to improve the working conditions of the Commission's members and to enhance its legal position. Lastly, in view of the absence of gender-disaggregated data, she asked whether the State party intended to put in place an adequate data-collection system.

11. **Ms. Bethel** said that revenue shortfalls shrank Government budgets in areas that included health care, education and poverty reduction initiatives, which disproportionately affected persons with low incomes, most of whom were women. Luxembourg had the largest private banking and wealth management sector in the eurozone and offered extensive tax avoidance services. She wished to know what guidelines the Interministerial Monitoring Committee, the body responsible for hearing complaints of persons affected by companies registered in Luxembourg, had set out with regard to the gender impact of special tax laws and rates for such companies. She would like to know the status and content of the proposed national action plan on business and human rights, including whether a gender perspective had been incorporated and whether civil society organizations, in particular women's organizations, had been involved in the drafting process. In the light of the recommendations by the Council of Europe on the cross-border effects of tax policies,

and widespread public information on tax avoidance and flows of illicit funds from abroad through the State party, she asked whether the Government intended to undertake a rigorous independent study of how its laws promoted tax abuses and whether it would commit to steps to ensure that national budgets fulfilled the country's obligations in terms of women's rights abroad.

12. **Ms. Mutsch** (Luxembourg) said that equality of rights and obligations for women and men were enshrined in law and in the Constitution, which also required the State to promote gender equality and eliminate discrimination against women and men. That said, achieving de facto equality was less straightforward. During the Luxembourg presidency of the Council of the European Union, in 2015, a conference had been held to discuss why legislation alone was not sufficient or expeditious in combating gender inequalities. It was clear that a dual approach was needed: on the one hand, public awareness-raising campaigns must be carried out, including gender-sensitive education in schools; on the other, legislation must be introduced with penalties for non-compliance. It was in that context that the Government had introduced legislation on equal pay for equal work of equal value, which had helped decrease the gender pay gap in Luxembourg.

13. The Government was aware that it needed to speed up its ratification and implementation of international treaties and was exploring ways of doing so. For instance, it was introducing specific working groups and assigning responsibility to certain individuals for dealing with ratification processes, an approach it was confident would yield better results. The collection of gender-disaggregated data had begun somewhat belatedly. However, under the National Action Plan on Gender Equality for the period 2015–2018, and in view of the fact that gender equality was a cross-cutting issue, all ministries were now responsible for collecting gender-related data. One of the obstacles to data collection was, however, the rigorous data protection laws in force in Luxembourg. For example, plans to gather certain data for a bill on prostitution had proved incompatible with those laws.

14. **Ms. Ameline** said that Luxembourg had long been a leading player in terms of its approach to sustainable development, which, under the 2030 Agenda for Sustainable Development, included gender equality as a goal. She wished to know what role was played by the Ministry of Equal Opportunity in formulating a sustainable development policy, what measures were being taken to promote gender equality in development cooperation projects abroad and whether such measures had influenced government policy at home.

15. **Ms. Hofmeister** said she was surprised that Luxembourg had yet to launch a national action plan to implement Security Council resolution 1325 (2000) on women and peace and security. Was such a plan in the pipeline?

16. **Ms. Fisch** (Luxembourg) said that a first draft of the national action plan on business and human rights had been completed. It was shortly to be discussed by the relevant multi-stakeholder working group, which was made up of representatives of Government, civil society and business organizations, with a view to its adoption later in 2018. The Interministerial Committee on Human Rights and various human rights NGOs were also set to participate. In that connection, the activities of transnational corporations and other business enterprises and their impact on the human rights of women and girls were being assessed, taking into account the United Nations Guiding Principles on Business and Human Rights. Efforts were being made, in particular, to work with the financial sector and to learn from the best practices of other countries.

17. The Interministerial Committee for Gender Equality, which was chaired by the Ministry of Equal Opportunity, met regularly for thematic discussions, emphasized the need for gender-disaggregated data and focused on how to integrate the gender dimension into related specific and cross-cutting policies, including those related to the 2030 Agenda. The Ministry also played an active role in devising sustainable development policy and participated in a working group in charge of defining relevant indicators and overseeing follow-up. In the area of development cooperation, the Ministry had long championed the integration of the gender perspective and had made gender mainstreaming a visible and important principle. Lastly, a working group had been established to formulate a national

action plan to implement Security Council resolution 1325 (2000), with a first draft expected later in 2018.

18. **Ms. Schroeder** (Luxembourg) said that a development cooperation committee met with representatives of civil society twice a year. A number of projects that incorporated a gender perspective had been financed and launched in several developing countries, including Mali and Burkina Faso. One such project had, for example, helped to eliminate the practice of female genital mutilation by working with the communities involved and helping women practitioners to find alternative livelihoods.

19. **Ms. Mutsch** (Luxembourg) said that a cross-cutting approach was taken to both equal opportunities and sustainable development, with each government ministry addressing those issues within their own sphere of competence. In line with her dual portfolio as Minister of Health and Minister for Equal Opportunities, she was particularly concerned with women's empowerment in the context of health care and humanitarian aid. In 2017, following the reintroduction by the United States of America of the so-called Mexico City Policy — also known as the Global Gag Rule — which prohibited foreign NGOs in receipt of United States aid from offering abortion services or information about the procedure, her Government had pledged funding for the "She Decides" project, which championed the fundamental rights of girls and women to decide freely and for themselves about their sexual lives, and had stepped up its contributions to the United Nations Population Fund.

20. **Ms. Hofmeister** said she was concerned that the Ministry of Equal Opportunity had insufficient resources, that its main focus was diversity and equal opportunities as opposed to women's rights, and that the National Action Plan on Gender Equality contained few concrete actions and lacked specific funding. Moreover, regular consultation with women's organizations, in particular those representing women with disabilities and lesbian, bisexual and transgender women, seemed to be lacking. She wished to know what specific measures were contained in the current National Action Plan on Gender Equality, what indicators had been developed to evaluate its effectiveness and what budget had been allocated for its implementation. Noting that the mandate and functions of the Interministerial Committee for Gender Equality seemed to be under review, she wondered which entity was responsible for monitoring implementation of the Plan. Lastly, she would be interested to know what training was provided or envisaged to enable equality officers to promote gender mainstreaming.

21. **Ms. Acar** said that, regarding access to justice, she was concerned that, despite the recommendations made by the Committee in its previous concluding observations (CEDAW/C/LUX/CO/5), the Convention and its Optional Protocol were still not widely known in Luxembourg. She wished to know why the Convention was seldom invoked by the courts and why there was little in the way of case law relating to discrimination. She would also like to know what measures had been taken to improve awareness of the Convention among the public and to enhance its implementation by the judiciary.

22. With regard to access to justice, she would appreciate an explanation of the conditions attached to the award of legal aid to persons who could prove that they lacked sufficient resources. It was unclear whether the specific difficulties faced by women had been taken into account in that regard and how it was possible for women who experienced multiple and intersecting discrimination to enjoy equal access to justice under legislation described in the State party report as "gender-neutral". For that reason, she would appreciate specific examples drawn from legislation and from its implementation of a gender-sensitive approach aimed at facilitating women's access to justice, in particular the access to justice of female migrants and asylum seekers. Lastly, in the light of the fact that the Convention concerned substantive equality, or equality of outcome rather than equality of opportunity, she wondered why the Ministry of Equal Opportunity had not been named the Ministry of Equality between Men and Women.

23. **Ms. Nadaraia** said that, while it had been promising to discover that temporary special measures had been proposed to accelerate the achievement of de facto equality in business and politics, she wished to know whether time-limited projects had been proposed for other fields, for example health care and budgeting.

24. **Ms. Mutsch** (Luxembourg) said that, although she agreed that her Ministry's budget could be larger, it was likely that other ministers would make the same assessment of their respective ministries. The Ministry of Equal Opportunity was the smallest ministry in the country and had the smallest budget of any ministry, but many other countries did not have a ministry for equal opportunity at all. Some years previously, the name of the Ministry had been changed from the Ministry for the Advancement of Women to the Ministry of Equal Opportunity with a view to reflecting its aim of achieving equality for all. The Ministry of Equal Opportunity coordinated the efforts made by other ministries to promote equal opportunity. Indeed, nearly all other ministries had incorporated equality of opportunity into their action programmes.

25. The Ministry of Family and Social Integration was responsible for the prevention of discrimination and the promotion of diversity. That Ministry supported persons seeking international protection, and the tools available to protect such persons included specific laws, shelters, culturally sensitive support services, dedicated action plans and specialized care packages. The Ministry of Family and Social Integration and the Ministry of Equal Opportunity worked together to raise awareness of the country's values and principles and organize orientation and language classes and other events.

26. One of the other responsibilities entrusted to the Ministry of Family and Social Integration was the improvement of work-life balance, and, with that responsibility in mind, it had completely overhauled the parental leave system. In the previous two years, the number of men who had taken parental leave had tripled. Since 2015, the same Ministry had been responsible for coordinating policy for lesbian, gay, bisexual, transgender and intersex persons. In 2017, it had signed a declaration in support of the rights of those groups at an event held in celebration of the International Day against Homophobia and Transphobia, and various action plans had been formulated and awareness-raising campaigns conducted to promote their rights. The Ministry of Education, Children and Youth was responsible for combating discrimination in the education sector.

27. **Ms. Schroeder** (Luxembourg) said that the Convention and the Optional Protocol were covered in mandatory training programmes at the National Institute of Public Administration. Similar training courses were mandatory for equality officers, who were responsible for promoting equality between men and women in the public and the private sectors and supporting victims of gender-based discrimination. The Ministry of Equal Opportunity organized regular training courses for the nine NGOs with which it had entered into special agreements. Those NGOs worked with vulnerable groups of women, including victims of domestic violence and victims of trafficking, and informed them of their rights. All public officials took a training course on trafficking in persons, and a more detailed training course on victim identification was also available.

28. The Ministry of Equal Opportunity had prepared an information sheet on the rights of victims of violence and the avenues of redress available to them. The Prosecutor's Office had a specialized service that supported and offered advice to women victims of violence and discrimination. In the public sector, there was a psychosocial centre to support victims of discrimination and victims of workplace violence, including women who had experienced gender-based violence. The assistance available for persons seeking international protection included a special mechanism to identify and assist vulnerable persons.

29. **Ms. Fisch** (Luxembourg) said that the Interministerial Committee for Gender Equality had been formed to replace the previous system of gender units in the ministries. The Committee was composed of high-level officials who worked to mainstream gender in their respective ministries and reported back to raise questions and share best practices. It was difficult to calculate the budget for the National Action Plan on Gender Equality separately, as the gender equality policies provided for under the Plan had been incorporated throughout the government and the costs incurred were borne by a number of ministries.

30. **Ms. Gabr** said that the Committee would appreciate an update on the outcomes of the 2013 study of the representation of women in the media. It would be useful to learn what measures were being taken to combat harmful traditions and customs among newly

arrived migrants and asylum seekers in the State party and, in that connection, what plans were in place to implement the Committee's general recommendation No. 31 on harmful practices. In particular, she wished to know what measures could be taken to overcome the obstacle to integration that the national language represented, whether officials tasked with the administration of justice received training on the impact that harmful practices had on women's rights, whether the victims of such practices could be placed in shelters for victims of violence and whether the State party planned to conduct campaigns to raise awareness of such practices in the media and in schools. She would appreciate information on the prevalence and geographical distribution of such practices, in particular female genital mutilation and early marriage.

31. In the light of the recent increase in the number of incidents of hate speech against foreign nationals, she wished to know how the State party sought to promote diversity and respect towards others. She would be grateful if the delegation could provide more information on the cooperation between the Government and NGOs on the issue of domestic violence and comment on reports that staffing levels in shelters were inadequate. In the context of the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, she wished to know whether a specific action plan had been formulated, an oversight mechanism had been devised and health-care workers had been trained. Lastly, she would appreciate more information on the bill ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which reportedly contained unsatisfactory definitions of key terms.

32. **Ms. Acar** said that she would be grateful if the delegation could explain the reasons for the delay in the ratification of the Istanbul Convention, which the State party had signed in 2011, and set out the proposed timeline for its ratification. In the context of the Istanbul Convention and the Committee's general recommendations Nos. 19 and 35, she wished to know why women in de facto unions, such as those who were named alongside their partner on a rental agreement, were not protected under existing legislation on domestic violence. It was unclear whether the helpline for women victims of violence operated 24 hours a day, whether it was accessible and whether it catered exclusively to women victims of violence. It would be interesting to know which institution was responsible for coordinating domestic violence policy, whether the reasons for the decline in the number of police interventions in domestic violence incidents had been studied and, if they had, what methodology had been used, and whether the shelters for victims of domestic violence were adequately funded.

33. **Ms. Jahan** said that she wished to know what measures had been taken or were planned to ensure that disaggregated data on trafficking in persons and prostitution were systematically collected and how many traffickers had been prosecuted and convicted. It would be useful to learn whether the protection afforded to women victims under the National Action Plan on Human Trafficking was sufficiently gender-sensitive, whether NGOs were involved in the planning and implementation of the anti-trafficking measures provided for under the Plan, whether the information and awareness-raising campaign on the phenomenon of human trafficking had been assessed and, if it had, what action had been taken in response.

34. She wondered whether there was a standardized procedure for identifying victims of trafficking and whether gender-sensitive and gender-responsive training was provided, in particular for law enforcement and judicial actors, with a focus on at-risk groups, including asylum seekers, refugees, unaccompanied children and undocumented migrants. In addition, she wished to know what preventive measures had been taken to ensure that victims of trafficking were not placed in immigration detention centres or prosecuted for offences committed as a direct result of having been trafficked, what role was played by NGOs in the identification of victims, whether NGOs had access to women belonging to at-risk groups in immigration detention centres and what measures had been taken to expand the referral system in order to ensure the recovery, empowerment and integration of women victims. It was unclear whether a formal witness protection system was in place for victims of trafficking and what safeguards were planned to ensure that convicted traffickers did not receive suspended sentences.

35. With regard to prostitution, she wished to know what exceptions were provided for under articles 48 and 51 of the general police regulations of the city of Luxembourg, which prohibited street prostitution, and whether street prostitution was prohibited elsewhere in the country. She wondered how the State party planned to respond to the strategy adopted by many traffickers of using non-physical coercion to control victims of prostitution, whether inspections and monitoring visits were carried out in prostitution hotspots and whether the topic would be included in the school curriculum.

36. **Ms. Mutsch** (Luxembourg) said that the Ministry of Justice was responsible for reviewing proposals for the ratification of the Istanbul Convention. It had begun work to that end in 2017 with a view to guaranteeing comprehensive protection against gender-based violence. Gender identity was included among the grounds of discrimination prohibited in the relevant draft legislation under consideration, and female genital mutilation had been incorporated as a specific offence. The bill provided for extraterritorial jurisdiction for the offences of forced abortion, forced marriage and female genital mutilation and contained a provision concerning the statutes of limitations for sexual violence offences, including sexual offences against minors. In addition, it would strengthen the role played by the Ministry of Equal Opportunity in the prevention of violence against women, improve the protection afforded to minors who were direct or indirect victims of domestic violence, improve the data-collection practices of the Committee on Cooperation Between Professionals Combating Violence and amend the Domestic Violence Act.

37. A committee had been established to monitor efforts to combat human trafficking. Public information campaigns were regularly implemented and training was provided to officials and relevant professionals on the identification of trafficking victims. All victims of trafficking had access to care and assistance.

38. A national programme had been launched to promote young people's emotional and sexual health, and a corresponding national action plan was being drafted. The programme had had an impact in many areas, including on school textbooks, and had helped in getting information on sexual and reproductive health to vulnerable groups, such as families seeking international protection. Sexual health education was provided to all children, starting at a young age.

39. **Ms. Schroeder** (Luxembourg) said that training on human rights, including women's rights, was provided to members of the judiciary and law enforcement services. Additional, specialized training was also provided on domestic violence. Information on human rights in general and women's rights in particular was also disseminated in schools, including through a specially designed course programme.

40. Training on the identification and registration of trafficking victims was provided to all government officials and non-governmental organizations. Such organizations provided assistance and care to victims, and operated a referral mechanism for further services. For its part, the Ministry of Equal Opportunity operated two mobile services aimed at trafficking victims and adopted an inter-agency and intersectoral approach. Child trafficking victims and unaccompanied minors received appropriate care until they reached the age of majority. After an initial 90-day readjustment period, victims of trafficking were granted a six-month residence permit that could subsequently be extended. Trafficking victims had full access to justice.

41. **Ms. Stoffel** (Luxembourg) said that the Ministry of Health implemented a wide range of gender-based health programmes and collected data to help the Government to develop targeted programmes and policies. Health-care programmes aimed at women and girls covered breastfeeding, vaccination against human papilloma virus and contraceptive methods and campaigns that targeted vulnerable groups, including sex workers and drug users.

42. **Mr. Janizzi** (Luxembourg) said that training on children's rights and non-discrimination was provided to professionals in the education sector. A course had been introduced in school in order to raise awareness among children aged between 6 and 18 years about issues such as diversity, tolerance, conflict management, dialogue, sexuality, media images, civic rights and duties and discrimination. As part of efforts to combat

online abuse, a mechanism had been established under the joint governmental initiative for a safe Internet culture known as Bee Secure that provided a point of contact for flagging offensive, illegal online content. Other measures included compulsory Internet safety training for 12 to 13 year-olds, regular campaigns to prevent cyberbullying and the publication and distribution of guides, including to police stations and psychological support centres.

43. **Ms. Schroeder** (Luxembourg) said that data on trafficking were collected and analysed by a national monitoring committee on human trafficking, with the cooperation of the police and the Advisory Commission on Human Rights. Although she did not have those data to hand, she could submit them to the Committee at a later date.

44. **Ms. Acar** said the definition of domestic violence in the State party's legislation did not cover women in de facto unions. She wished to know whether the judiciary received training on forms of violence other than domestic violence. Did the 24-hour police helpline deal exclusively with violence against women? She would be interested to know whether the Government had analysed the reasons behind the fall in police interventions and domestic violence protection orders. Were victim shelters funded and managed by the State?

45. **Ms. Jahan** asked whether the State party could indicate what exceptions had been established to the general regulations of the city of Luxembourg that prohibited persons from displaying themselves in a public thoroughfare for prostitution. She invited the delegation to elaborate on the provisions of its National Action Plan on Prostitution as it pertained to the sexual and emotional health and Streetwork programmes mentioned earlier. In the light of reports that the programme for women wishing to leave prostitution lacked adequate resources, she would like to know what steps the Government was taking to ensure adequate funding.

46. In February, the Government had introduced legislation to criminalize the purchase of commercial sexual services under certain circumstances, for example if the prostitute was a minor or a trafficking victim, in order to prevent exploitation. However, the issue of consent was complicated and women were forced into prostitution for a wide variety of reasons. Moreover, as the case of the Netherlands appeared to demonstrate, the legalization of prostitution did not necessarily make women any safer from trafficking. Indeed, data from that country indicated that human trafficking had increased in order to meet demand.

47. **Ms. Gabr** said that the delegation was invited to comment on reports that victim shelters, which were funded through the State budget, were unable to meet demand and lacked adequate human resources. She would also be interested in obtaining information on the results of the study conducted in 2013 on images of women in the media and gender stereotypes.

48. **Ms. Ameline** said that in spite of the desire, at international level, to make progress in combating human trafficking, the results achieved had been disappointing. Trafficking was a pressing humanitarian issue that required a greater level of advocacy and more concerted efforts.

49. **Ms. Acar** asked the delegation whether it would indicate the time frame envisaged for the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

50. **Ms. Mutsch** (Luxembourg) said that, in order to combat trafficking, awareness-raising measures were indeed required at the international level. In that context, the Government had participated in various high-level meetings and exchanges on trafficking, including with the European Union Anti-Trafficking Coordinator and the United States Government.

51. The national strategy on prostitution was tailored to the country's specific circumstances and needs. Steps had been taken to criminalize the exploitation of the most vulnerable persons involved in prostitution and to help the law enforcement services take effective action in cases involving trafficking or pimping. The pragmatic approach adopted by the Government also focused on strengthening the psychosocial assistance and protection provided to minors, enhancing institutional coordination and ensuring adequate, budgetary resources, including for programmes for women seeking to leave prostitution.

The action plan on prostitution depended on funding from several ministries, as part of a cross-cutting approach. With regard to the Streetwork programme, efforts had been made to strengthen its human resources and to enhance coordination with the authorities in Luxembourg City.

52. **Ms. Shroeder** (Luxembourg) said that training on all forms of violence was provided to the judiciary. Likewise, the police helpline was open to all victims of violence. A special centre had been established within the Laboratoire National de Santé (National Health Laboratory) to document injuries sustained by victims of violence, irrespective of whether a complaint had been filed with the authorities. After a victim's injuries were examined and recorded, the medical notes were archived for a period of 10 years and could be used as evidence at a later date. The service was free of charge.

53. Available data suggested that the decrease in the number of police interventions and expulsion orders issued was, in part, correlated to the positive impact of awareness-raising campaigns on domestic violence. Training on domestic and gender-based violence was provided by non-governmental organizations to professionals, including midwives and social workers. Non-governmental organizations received State funding to cover services, training, staff and office space. Furthermore, a referral system existed between non-governmental organizations affiliated with various ministries. If a particular NGO was unable to provide assistance, the person would be referred to another organization; no one was ever left behind.

Articles 7 to 9

54. **Ms. Song** Wenyan said that women in Luxembourg were still underrepresented on decision-making bodies in the public and private sectors despite their high level of education and the Government's gender equality agenda and good practices. She would be grateful if the delegation would indicate whether an analysis of the reasons behind that phenomenon had been conducted and provide any findings resulting from the analysis.

55. She asked whether the legal provisions introduced in 2016 on the funding of political parties had been implemented and what sanctions were imposed for non-compliance. In that connection, she was concerned that merely ensuring that women appeared on candidate lists would not necessarily ensure that they would then be elected. She asked whether there were quotas for the election of women to the Chamber of Deputies and penalties such as funding cuts for political parties that failed to meet gender quotas.

56. She would appreciate further information on the database containing profiles of women ready to assume a mandate on a board of directors, including on its funding, the number of profiles in the database and the number of women from the database who had successfully been appointed to boards of directors.

Articles 10 to 14

57. **Ms. Narain** said that there were concerns that the children of migrants might struggle in the country's trilingual education system and even drop out of school altogether. Could the State party indicate how many girls from migrant or refugee families had dropped out of school and why they had done so, including as a result of language-related problems. In that regard, it would be helpful to know what measures were taken, such as remedial language courses, to encourage girls from migrant families to remain in the education system. In cases where girls dropped out owing to family or cultural pressures, were any awareness-raising efforts undertaken that targeted their parents? In general, further information on measures taken to enhance access to education, particularly for migrant children and those from disadvantaged backgrounds, would be appreciated. She also invited the delegation to provide gender-disaggregated statistics on pupils enrolled at all types of secondary education establishments, including technical and vocational institutions, for the period 2016–2017. Turning to the issue of leadership in the education sector, she asked whether the delegation could provide information on women in leadership positions, including as heads of secondary schools and research or tertiary education institutions.

58. Further information on discrimination against and bullying of lesbian, bisexual, transgender or intersex girls, including on the sanctions imposed on perpetrators and psychological support provided to victims, would be appreciated. The delegation was invited to provide information on measures to tackle gender stereotypes, including on programmes to encourage girls and young women to pursue non-traditional career paths. It would also be interesting to know whether pupils were taught about de facto equality. In that connection, it would be interesting to hear about the online study conducted by the National Ministry of Education, Children and Youth and the Ministry for Equal Opportunity, including the results obtained and any follow-up measures taken, and the National Reference Centre for the Promotion of Emotional and Sexual Health.

The meeting rose at 1 p.m.

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Summary record of the 1587th meeting
Held at the Palais des Nations, Geneva, on Thursday, 1 March 2018, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined sixth and seventh periodic reports of Luxembourg (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Luxembourg (*continued*) (CEDAW/C/LUX/6-7 and CEDAW/C/LUX/QPR/6-7)

1. *At the invitation of the Chair, the delegation of Luxembourg took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Mutsch** (Luxembourg) said that the Government had adopted a law that required political parties to set a 40 per cent quota on their electoral lists for men or women, depending on which gender was underrepresented. Financial sanctions were imposed on parties that failed to comply with that requirement. A campaign had been carried out to raise public awareness of the importance of having a good gender balance in the parliament and in Government.

3. The non-profit organization Female Board Pool was responsible for drawing up lists of women who were prepared to take up positions on boards. The organization had created a database of 600 women experts in a wide range of areas, including those traditionally dominated by men, who were ready to be recruited to corporate boards at short notice. Steps had been taken to raise awareness of the database in order to encourage companies to recruit women to their boards.

4. A survey had been carried out to determine why women did not tend to occupy decision-making positions in companies, political parties and other organizations. The women surveyed had replied that, although they believed that women could carry out decision-making roles as well as men, they personally lacked the necessary experience or knowledge for such roles or were prevented from performing such a role by other obligations. The results of the survey were used as the basis for launching an awareness-raising campaign and introducing good practices in a number of government agencies.

Article 10 to 14 (continued)

5. **Mr. Janizzi** (Luxembourg) said that school education was mandatory and free in Luxembourg. Schoolbooks were currently free at the primary level and would also be free at the secondary level as from September 2018 to ensure that children from low-income families did not face any financial barriers to education. In accordance with the reform of the system of State aid for university education carried out several years previously, assistance would be provided to university students in accordance with their parents' income level and the cost of their accommodation.

6. Following the adoption of a new law, the position of intercultural mediator had been established. Intercultural mediators spoke a number of languages and facilitated communication between teachers, foreign pupils, school authorities and parents free of charge. They translated educational materials into pupils' languages of origin, acted as interpreters in discussions between teachers and parents and provided support to pupils in class.

7. The National Youth Service had adopted a number of measures to tackle the problem of bullying. The problem in question was addressed by a new course entitled "Life and Society", which encouraged children to show respect for each other. Victims of group bullying could obtain support from the counselling services available in all secondary schools. The National Youth Service would cover the cost of emergency or ongoing psychological treatment for child victims of bullying in school.

8. **Ms. Mutsch** (Luxembourg) said that Girls' Day-Boys' Day served as an opportunity to impress on children that they could consider any career path that they wished to pursue, irrespective of their gender. Whereas, in previous years, steps had been taken to persuade girls to consider fields traditionally dominated by their male counterparts, and vice versa,

care was now taken to avoid labelling any profession as a typically male or female profession.

9. A National Reference Centre for the Promotion of Emotional and Sexual Health had been established in accordance with the National Plan on Sexual and Emotional Health. A start-up budget had been allocated to the Centre while an action plan and a multi-year programme were being drawn up. The start-up budget in question had enabled the centre to recruit staff and acquire the facilities that it needed. In the long term, the budget allocated to the Centre would depend on its action plan and on the extent to which its work expanded.

10. **Ms. Song** Wenyan said that it was important to increase the number of women in decision-making positions not only at the national level but also at a local level as the latter often served as a nurturing ground for women decision makers. The presence of a greater number of women decision makers at the local level could help to win more votes for women at the national level.

11. **Mr. Bergby**, noting that the gender wage gap in the State party was impressively low, said that he wished to know what measures would be taken to eliminate that gap completely. In view of the fact that a higher percentage of women than men were in employment, he asked what measures would be taken to establish equal opportunities in the labour market for women, particularly women from migrant communities. The Committee wished to know whether the State party was considering taking action on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

12. A relatively low percentage of women occupied managerial positions and positions on the boards of companies. Increasing the number of women in managerial positions would increase the number of women on boards, and vice versa. In view of that situation, he asked whether temporary or permanent quotas would be established to increase the number of women on company boards. Noting that a law on the prevention of sexual harassment had been adopted in April 2000, he asked whether there was any difference in the extent to which it was implemented in the public and private sectors.

13. He wished to know how many men were taking advantage of the opportunity to take the parental leave provided for under the parental leave law that entered into force in late 2016. Under the law, mothers were required to have subscribed to health insurance for at least 6 of the 12 months preceding a period of leave in order to obtain a maternity allowance. In view of that fact, he asked whether women who had lost their jobs or been unemployed for a period longer than six months would be able to obtain such an allowance and whether rules on maternity allowances would benefit self-employed women. Lastly, he wished to know whether a man in paid employment would be entitled to parental leave if he had a child with a woman who was a student. Noting that a significantly higher percentage of women than men engaged in part-time work, resulting in lower wages and pensions for women, he asked what steps would be taken to encourage more men to work part-time so that they could play an equal role in caring for children and running the household.

14. **Ms. Chalal** said that she wished to know what measures would be taken to address the fact that, despite the anti-smoking campaigns that had been carried out, the number of girls and women who smoked remained very high. She asked what the objectives of the National Plan to Combat Smoking (2016–2020) were, whether sufficient funds had been allocated to the Plan, whether the Plan incorporated a gender perspective and whether assessments of the Plan had been carried out.

15. Noting that insufficient efforts had been made to implement and raise awareness of the National Programme on Promotion of Emotional and Sexual Health, she asked whether sufficient funds had been allocated to the Programme and whether steps would be taken to raise adolescent girls' awareness of the sexual and reproductive health services available to them, including medical and psychological services intended for pregnant teenage girls. It would be interesting to learn whether refugee, migrant and stateless women could obtain free access to abortion services.

16. The Committee was concerned at reports that contraceptives had been forcibly administered to girls and women, particularly those with mental disabilities living in

institutions, and at reports that women with disabilities were subjected to medical treatment without their consent. In view of that situation, she asked what administrative or legal measures would be taken to put an end to the forced sterilization of women and girls with mental disabilities living in institutions, whether a training programme on the rights of persons with disabilities was made available to health professionals and what steps would be taken to increase the access enjoyed by persons with disabilities to local health-care services. She wondered what steps would be taken to strengthen the law to ensure that intersex persons were not forcibly subjected to surgical and hormonal treatment, what remedies were available to victims of such treatment and whether any persons who had administered such treatment had been prosecuted.

17. Noting that women and girls were significantly more likely to be affected by mental health problems than men and boys, she asked whether disaggregated data on girls and women with mental health problems were available, what measures were being taken to address the rise in the number of persons suffering from depression and what steps would be taken to tackle sexism in advertisements for antidepressants.

18. **Ms. Mutsch** (Luxembourg) said that, following the recent adoption of legislation making it an offence for companies to pay unequal salaries to men and women doing the same job, companies were now more aware that persons who believed themselves to be unfairly paid were able to file complaints and seek remedies. Any companies that continued to pay unequal salaries to men and women were probably unaware that they were doing so. For that reason, steps were being taken to raise awareness of the new legislation and its consequences. The gender wage gap had been completely eliminated in the public sector and was expected to be eliminated in the private sector in the near future.

19. The number of women taking parental leave had increased by almost 30 per cent between 2016 and 2017 while the number of men taking such leave had increased by over 200 per cent over the same period. In 2016, the employment rate for women had been 65.1 per cent while the rate for men had been 76.1 per cent. Around 19 per cent of persons aged between 20 and 64 years worked part-time. Part-time workers, who were far more likely to be women, received lower wages and lower pensions and had a greater risk of falling into poverty than full-time workers. Although the Government did not wish to force individuals to take decisions that would adversely affect their family life, it would aim to ensure that men and women who wished to do so were able to work full-time.

20. The range of services provided by the Luxembourg Employment Office had been expanded to provide greater assistance to women who wished to enter the labour market. The Government had taken account of the European Framework Agreement on Harassment and Violence at Work, which had been transposed into domestic law. The Inspectorate of Labour and Mines undertook inspections to identify and address occurrences of sexual harassment in the workplace. The Inspectorate intended to establish a special unit which could be contacted by persons who believed that they were victims either of sexual harassment or unequal pay.

21. Luxembourg intended to ratify the Protocol to Eliminate Illicit Trade in Tobacco Products, which would enter into force in September 2018. The bill on the country's ratification of the Protocol would come before lawmakers in the coming weeks. Legislative measures had recently been taken to combat smoking and tobacco use. The scope of application of smoking bans had been expanded to include, for instance, indoor or outdoor sporting facilities where minors under the age of 16 practised a sport and private vehicles with children under the age of 12 on board. On average, the country's anti-tobacco legislation, which was among the most stringent in Europe, was stiffened every three years. The latest amendments had taken into consideration the alarming rise in smoking rates among girls.

22. **Ms. Stoffel** (Luxembourg) said that, under recent amendments to the law, all women in Luxembourg had access to surgical or non-surgical abortion. In the near future, Planning Familial, a non-governmental organization (NGO) that provided family planning services, would offer non-surgical abortion free of charge. The cost of contraception was covered by the State for all women up to the age of 25, and a bill that would enable women up to the age of 30 to be reimbursed for what they spent on contraceptives was currently in

development. Psychosocial assistance was available from Planning Familial, which had a unit that worked especially with migrant women, and from the Luxembourg Reception and Integration Agency (OLAI). Forced sterilization would be covered by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). There was a legal framework for the treatment of persons with mental disabilities, including women. The Act of 24 July 2014, the Patients' Rights and Obligations Act, also established rules relating to consent to treatment.

23. Information on the effectiveness of the National Plan to Combat Smoking (2016–2020), which targeted both men and women, would be submitted in writing in due course. A number of campaigns promoting healthy living were conducted, and some were aimed at pregnant women. Those campaigns necessarily touched on the dangers of tobacco and alcohol.

24. The Government was currently studying issues relating to intersex children. Medical matters concerning such children would fall within the scope of the Patients' Rights and Obligations Act. At the moment, Malta was the only country in Europe to have adopted legislation regarding intersex children.

25. **Ms. Mutsch** (Luxembourg) said that the current Government had made considerable efforts to ensure that 40 per cent of the members of the boards of the companies in which the State held a share were women. Women accounted for a similar percentage of the members of the boards of public institutions. The Government habitually sent other relevant institutions letters encouraging them to take the issue of gender balance into consideration when they nominated board members. There were no quotas for the representation of women on private-sector corporate boards, and, as plans to introduce them were not part of the programme of government, no such quotas would be introduced by the current Government. She would nonetheless attempt to ensure that introducing such quotas was a plank in her party's platform for the general elections to be held in October 2018.

26. **Ms. Chalal** said that she would welcome an indication of what empowering women in the field of health involved.

27. **Ms. Hofmeister** said that she wished to know how long, under the current statute of limitations, intersex persons had to file claims for damages for the genital mutilation they had been subjected to as infants or young children by hospitals and medical staff. She also wished to know how medical procedures undertaken for the purpose of changing an intersex person's sex at the person's request were addressed by the State party's current and planned legislation on genital mutilation. In addition, she wondered what State support was given to transgender and intersex persons.

28. **Ms. Mutsch** (Luxembourg) said that the efforts made by Luxembourg to empower women in the field of health involved pushing for women's sexual and reproductive rights as part of its work with the World Health Organization, where, for instance, it had issued a strong warning about the so-called global gag rule, also known as the Mexico City Policy. Under that Policy, NGOs receiving overseas health aid from the United States of America were required to certify that they did not use their funds to provide abortion services, counsel patients about the option of abortion, refer them for abortion or advocate for the liberalization of abortion laws.

29. Luxembourg also made efforts to empower women through its international cooperation and aid policies. The Grand Duchess, for instance, took a particular interest in microfinance, which made it possible for women in rural areas of developing countries to start their own businesses. In addition, Luxembourg helped empower women and girls by contributing to the "She Decides" initiative, a global movement to promote, provide, protect and enhance the fundamental rights of women and girls.

30. A bill on matters relating to lesbian, gay, bisexual, transgender and intersex persons was currently in committee. The bill, which was informed by the principle of self-determination, sought to prohibit the surgical assignment of a person's sex without the consent of the person concerned.

31. **Mr. Janizzi** (Luxembourg) said that Luxembourg complied with resolution 2191 (2017) of the Council of Europe, which promoted the rights of intersex persons and the

elimination of the discrimination they faced. The country's authorities recommended that intersex children should not be subjected to sex assignment surgery. Sex assignment surgery was not akin to female genital mutilation. The problem was that such surgery could be recommended by a doctor to parents who might well be inclined to take the doctor's advice, whereas female genital mutilation was opposed by all health personnel.

32. **Ms. Fisch** (Luxembourg) said that Luxembourg did not intend to take steps towards the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. States members of the European Union were not in a position to accede to the Convention unilaterally, and, as it happened, no such State had even signed it. In addition, the Convention did not enshrine any rights that migrant workers in Luxembourg, in an irregular situation or not, did not already enjoy.

33. **Ms. Hofmeister** said that the delegation had addressed the issue of intersex children. Her concern, however, was intersex adults, who should be allowed surgical reconstruction of their genitals under the proposed new legislation.

34. **Ms. Schroeder** (Luxembourg) said that the aim of bill No. 7146, which could be consulted on the website of the Chamber of Deputies, was to strengthen the rights of transgender and intersex persons. The bill, once made law, would establish a simple administrative procedure enabling a person to change the given names and sex that appeared in his or her vital records without undergoing a medical procedure. A number of associations, including associations of transgender and intersex persons, had been instrumental in the formulation of the bill. An interministerial working group was considering the possibility of allowing a person to be designated as a member of a third sex.

35. It would be against the law to discriminate against a person on the grounds of his or her gender identity once the bill on the ratification of the Istanbul Convention was adopted. In addition, discriminating against a person on the grounds of his or her change from one sex to another could be considered sex discrimination. As part of the ratification of that Convention, the statute of limitations for sexual violence against a child, including genital mutilation, would be extended to 10 years, a period that would start when the child reached the age of majority. The statute of limitations for sexual violence against adults would also be extended.

36. **Ms. Acar** said that, as the Istanbul Convention did not mention intersex persons, issues of concern to them should be considered separately.

37. **Ms. Schroeder** (Luxembourg) said that the Istanbul Convention covered all women, including intersex persons.

38. **Ms. Hofmeister** asked whether maternity benefits for single freelancers and independent businesswomen were sufficient, whether women, in particular in rural areas, owned property, how laws on succession treated farms, how many women had inherited farms or agricultural businesses in the past 10 years and what obstacles women seeking bank or other financing faced. She also asked whether data concerning the loans and mortgages provided by banks were available, what financing instruments women preferred and whether women frequently started ventures of their own. In much the same connection, she would welcome information on the means available to women to prepare for their retirement, including old-age pensions. It would likewise be interesting to have information on women as investors in collective investment schemes such as unit trusts (*société d'investissement à capital variable*) and others. More generally, she wondered what efforts the State party made to fight poverty among women.

39. **Ms. Acosta Vargas** said that she would welcome more information on the laws that protected female domestic workers, many of them migrants. She wondered whether such workers had access to complaints mechanisms and whether they had the right to form trade unions. She also wondered whether the conditions in which they worked were monitored by a public authority. Lastly, she asked whether the State party intended to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

40. The delegation did not have statistics on the percentage of landowners who were women. Women who were married to farmers were automatically affiliated with the social security system and thus benefited from health insurance and the pension scheme. The

provisions relating to inheritance made no distinction on the basis of sex. Some women were farm owners and operators; in fact, the person who had recently won the prize for entrepreneurial excellence among women was a pig farmer. The delegation would subsequently forward statistics on loans and banking, as it did not have them available. There were numerous programmes in place to encourage women's entrepreneurship, including an affirmative action programme aimed at ensuring a work-family balance, reducing gender inequality in remuneration and providing women with greater access to decision-making posts. In the context of an international network among certain French-speaking countries, the State party had provided funding to support around 200 women entrepreneurs, in particular through coaching and mentoring. Such activities, often carried out by women for women, were aimed at improving networking and increasing women's understanding and contacts with financing institutions. A number of banks had established specific programmes to provide services for women in fund management and succession and inheritance planning.

41. **Ms. Goedert** (Luxembourg) said that, although ILO Convention No. 189 had not been ratified, the Ministry of Labour was currently looking into the possibility of doing so.

Articles 15 and 16

42. **Ms. Verges** said that the Committee would like to receive statistics about complaints filed by women with the Ombudsman's Office, the Centre for Equal Treatment and the Advisory Commission on Human Rights, and also on their access to those institutions. Was the Ministry of Equal Opportunity able to submit cases of discrimination directly to those bodies? The new marriage law that had entered into force in 2014 had introduced laudable changes, but it also included the possibility of a dispensation that would allow for early marriage in certain situations. Did the authorities plan to eliminate the dispensation? According to the periodic report, a new divorce bill had been proposed in 2016 and would institute no-fault divorce and establish the principle of shared parental responsibility. Had the bill been adopted? What provisions did the bill contain in relation to the division of property between divorced spouses who had or had not concluded prenuptial agreements?

43. **Ms. Schroeder** (Luxembourg) said that women and girls who were victims of discrimination were referred to human rights bodies such as the Ombudsman's Office, the Centre for Equal Treatment and, in the case of children, the Ombudsman for Children's Rights, and also to NGOs, which provided legal, psychological and social support. The new marriage law included a provision that could allow for marriage between minors only in exceptional circumstances and according to a specific procedure. The procedure required the authorization of a judge, who acted as the guarantor of the rights of the child. Judges had been instructed that they must not authorize marriage merely on the basis of pregnancy or the parents' traditional or cultural practice. If one parent consented to the marriage and the other opposed it, the judge had the last word, and the parents' rights were equal before the court. In past practice, the agreement of one parent had taken precedence over the refusal of the other.

44. The bill on divorce had not been adopted. It was currently under discussion in the parliament at committee level. Access to advisory, medical and legal services for women living in poverty or in vulnerable situations was provided free of charge by the Ministry of Equal Opportunity, which also referred women to other sources of support. The Government had established an effective social support system that provided maternity and birth allowances, paid parental leave and other forms of family support, including child and university study allowances. Any person could apply to the Ministry for the Family, Integration and the Greater Region for support, including financial assistance provided under the guaranteed minimum income scheme. The employment authorities too had specific programmes to assist women in finding employment.

45. **Ms. Hofmeister** said that, according to reports received by the Committee, female same-sex couples did not have the same rights in relation to filiation as did heterosexual couples, and lesbian, gay, bisexual, transsexual and intersex persons in refugee shelters experienced violence or marginalization. That community had found it objectionable that their situation was currently addressed by the Ministry for the Family, Integration and the

Greater Region, and not by the Ministry of Equal Opportunity. It would perhaps be useful for NGOs to give training on sex and gender diversity.

46. **Ms. Schroeder** (Luxembourg) said that fault-based divorce would be eliminated under the divorce bill. The bill specified that the division of marital property could be adapted to take account of the fact that one of the spouses had committed a criminal act against the other, and the victim could thus receive compensation. The division of property and pension rights would take into account the financial situation of the spouses, for example, if one of the spouses had suspended a career to take care of family responsibilities.

47. The bill on filiation originally submitted in 2013 had been amended. It would do away with the concept of legitimate filiation and would provide for the right of children to know their origins, the elimination of anonymous births, the establishment of a new registry document that would allow non-biological parents to legally recognize children born through assisted reproduction or surrogacy, access to assisted reproduction technologies, including post-mortem reproduction, and a legal framework for the recognition of children born through surrogacy in other countries. It would also prohibit surrogacy in Luxembourg. There were no provisions in the bill that discriminated against same-sex couples. The bill would introduce the concept of co-maternity or co-paternity for children who had same-sex parents; such parents would no longer have to undergo an adoption procedure. The bill was currently under consideration at the Council of State.

48. At shelters, no distinction was made between women on the basis of their gender identity. Gender identity had been included in the bill for the implementation of the Istanbul Convention, which would provide new opportunities to take action to curb violence against women. The Government had decided that the ministry principally responsible for ensuring the rights of the lesbian, gay, bisexual, transgender and intersex community should be the Ministry for the Family, Integration and the Greater Region. A number of associations assisted such persons, including victims of discrimination, and the staff of the Luxembourg Office of Reception and Integration, which provided assistance to persons applying for international protection and migrants, took gender identity into account when assessing cases. The Office's personnel were given specific training in the issues facing the needs of the community.

49. **Ms. Acar** said that the Committee would like to know whether there was a calendar for the ratification of the Istanbul Convention.

50. **Ms. Schroeder** (Luxembourg) said that the ratification could only take place once the Council of State had approved it. The Government hoped to pass the relevant legislation in 2018.

51. **Ms. Hofmeister** said that the Committee had heard reports that anti-Semitism, racism and hate speech against refugees were problems in the State party. What steps would the authorities take against those phenomena?

52. **Ms. Schroeder** (Luxembourg) said that any acts of discrimination or violence were prohibited under the Criminal Code, and that their commission by public servants was an aggravating circumstance. Victims could file complaints individually or as part of a group. The Centre for Equal Treatment was competent not only to deal with sex and gender discrimination, but also with forms of discrimination based on race or religion, and carried out public awareness campaigns to address such problems and activities with vulnerable groups in order to directly empower victims to take action and file complaints.

53. She wished to thank the Committee for an enriching dialogue that had made it possible to take stock of all the actions already carried out and had also identified how much still needed to be done. She underscored the importance of working with men and men's associations to effect societal change for the benefit of women and girls and for gender equality. Her Ministry took part, for instance, in the International Conference on Men and Equal Opportunities. To tackle gender stereotypes, it was important to find a space for women in finance, economics and research, but it was also important to encourage male participation in social services, voluntary action, child-raising and education and to enlist the support of men in the interests of gender equality.

The meeting rose at 4.50 p.m.

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Summary record of the 1588th meeting
Held at the Palais des Nations, Geneva, on Friday, 2 March 2018, at 10 a.m.

Chair: Ms. Arocha Domínguez (Vice-Chair)

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Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial and second and third periodic reports of the Marshall Islands

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In the absence of Ms. Leinarte, Ms. Arocha Dominguez, Vice-Chair, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second and third periodic reports of the Marshall Islands (CEDAW/C/MHL/1-3; CEDAW/C/MHL/Q/1-3 and CEDAW/C/MHL/Q/1-3/Add.1)

1. *At the invitation of the Chair, the delegation of the Marshall Islands took places at the Committee table.*

2. **Ms. Helkena** (Marshall Islands), introducing her country's periodic reports, said that, owing to its geography and history, the Marshall Islands faced a unique set of challenges, which included the long-term legacy of the United States Nuclear Testing Programme. In the Marshall Islands, women's customary rights and matrilineal traditions coexisted with dissonant gender inequalities and stereotypes, manifest, in particular, in gender roles, decision-making and income generation. The national economy, which was based on commercial marine resource activities and the export of coconut-based products, was fragile and heavily dependent on foreign aid, in particular from the United States, whose military base also made a major economic contribution. Private sector growth was constrained by the country's small size, isolation and geography. Those challenges were compounded by the State's limited capacity and resources, including scant human resources, and its vulnerability to climate change, which had a particular impact on women, children and persons with disabilities. In that connection, she noted that the link between climate change and human rights was increasingly being acknowledged by the international community.

3. The Government of the Marshall Islands was committed to the principles of equality and non-discrimination and would continue its efforts to ensure progressive compliance with the Convention. The Constitution recognized the right to equality before the law and prohibited discrimination on a range of grounds, including gender. Although constitutional amendments had been proposed that would have introduced temporary electoral quotas for women and added sexual orientation as a prohibited ground for discrimination, the proposals had been rejected by the 2017 Constitutional Convention. Nevertheless, a raft of legislation adopted since 2006 on issues including domestic violence, children's rights, trafficking in persons and the rights of persons with disabilities reflected the progress made towards full implementation of the Convention.

4. At the request of the Government, a review of all legislation relating to the Convention was due to be carried out by the United Nations Economic and Social Commission for Asia and the Pacific and the Pacific Islands Forum Secretariat with a view to drafting compliant legislation. The review would address concerns raised by the Committee, including the lack of a definition of discrimination against women in line with article 1 of the Convention and the need for gender-inclusive disaster risk management legislation. Following the legislative review, the Government planned to draft a stand-alone anti-discrimination bill that would be ready for submission to parliament by early 2019.

5. The Ministry of Foreign Affairs and Trade had deposited with the Secretary-General of the United Nations the instruments of accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Moreover, the State's accession to the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182) was currently before parliament and the Cabinet was expected also to consider ratification of the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

6. While the Marshall Islands had no national human rights institute or formal reporting and follow-up mechanism, the national Human Rights Committee was a multi-stakeholder body with a broad mandate to promote human rights, including by providing advice to the Government, supporting the development of human rights policy and

legislation, monitoring implementation, preparing reports to the human rights treaty bodies and investigating complaints of human rights violations. A proposal to establish an ombudsman's office had been approved by the Constitutional Convention and was currently before parliament; it would subsequently be put to referendum.

7. The Gender and Development Office of the Ministry of Culture and Internal Affairs was the body responsible for national policy on gender mainstreaming. The main policy goals were strengthening capacity to integrate gender equality into services and programmes, eliminating gender-based violence, protecting and caring for victims and improving women's economic empowerment. Another aim of the policy was to identify vulnerable groups of women, including those living on the outer islands and those with disabilities. Although the Office had recently been expanded, it still lacked sufficient human and financial resources and development partners were vital to provide capacity-building, financial and technical support.

8. Children had a constitutional right to education at all levels and the State education system had recently reviewed its gender and social inclusion policy with a view to including human rights, gender and nuclear issues in the school curriculum. A family health curriculum would also be implemented during the forthcoming academic year. Provisions that would help pregnant girls to remain in education had also been introduced. Although those measures were currently applied only in State schools, the National Board of Education was considering ways to enforce them within the private sector as well. Furthermore, in response to the high teenage pregnancy rate in the country, and recognizing the need for a rights-based, action-oriented strategic plan, the Government had developed a national prevention strategy to address that urgent, ongoing challenge.

9. The prevalence of violence against women and girls was alarmingly high, and was perpetuated by social attitudes towards domestic violence; even among women, a majority agreed that a man could justifiably "discipline" a woman. A total of 48 applications for protection had been filed with the courts since the entry into force of the Domestic Violence Prevention and Protection Act; of that total, 25 had been granted, 1 remained pending and the remainder had been either dismissed or withdrawn. The implementation of domestic violence legislation had been supported by a trust fund grant from the United Nations to promote dissemination, awareness-raising, prevention and protection activities. Moreover, training had been provided to judges presiding over gender-based violence cases, and a protocol on domestic violence and standards of care had been developed for health-care providers in partnership with the national NGO Women United Together Marshall Islands.

10. The Ministry of Culture and Internal Affairs had taken steps to improve the collection of gender statistics, including through the 2012 Family Health and Safety Study. The Ministry also collected data on women's formal employment, education, health, gender-based violence and women in decision-making in order to monitor progress towards gender equality. The aforementioned legislative review of provisions relating to the Convention was expected to generate proposals to enhance the collection and use of gender-disaggregated statistics.

11. Although women's participation in the workforce had increased faster than men's over the past decade, employment rates remained significantly higher among men. A bill currently before parliament that would establish minimum conditions of employment included provisions for non-discrimination, equal pay for equal work, breastfeeding and maternity leave, and also set specific conditions for the employment of children.

12. Given that the State's resources and capacity were limited, and that the advancement of human rights required the involvement of all stakeholders, the Government cooperated with NGOs and other development partners including the Pacific Community and the Office of the United Nations High Commissioner for Human Rights for the Pacific Region.

13. Further advances were envisaged in the field of human rights through implementation of the Agenda 2020 framework for progress, which provided a road map for reform and social development. The Government also acknowledged the need to further strengthen its human rights infrastructure and national machineries, to enhance the capacity of law enforcement services and social workers and to forge closer partnerships with civil society. As part of its efforts to raise awareness of the Convention and other human rights

[illegible] intended to nominate parliamentary champions to ensure that all legislation took [illegible] the rights of women and girls and other marginalized persons.

14. Although challenges remained, notably in relation to data collection, reporting systems, capacity-building and resources, the Government was committed to developing a comprehensive database that would facilitate analyses in health, justice, education and other sectors. It was likewise committed to strengthening its relationship with the international community and looked forward to discussing with the Committee how best to obtain support for public sector capacity-building, human rights awareness-raising programmes, software development and the efficient collection of data on climate change and social indicators.

Articles 1, 2 and 5

15. **Ms. Schulz** said that she would appreciate clarification as to the status of the resolution concerning ratification of the Optional Protocol to the Convention. She would likewise appreciate information on the time frame envisaged for the adoption of specific anti-discrimination legislation and the review of existing legislative provisions to ensure compatibility with the Convention.

16. With regard to the inclusion of a definition of discrimination in line with article 1 of the Convention in national legislation, it would be helpful to know when the next Constitutional Convention was due to take place and whether there were plans to extend protection to cases involving discrimination by non-State actors, individuals or enterprises and to expand the list of prohibited grounds for discrimination to include disability, sexual orientation and gender identity, either in the provisions of the Constitution or in the anti-discrimination bill. Moreover, would the planned revision include de facto or substantive equality within the scope of the right to equal protection under the law?

17. She asked whether customary law took precedence over the guarantees contained in the Bill of Rights and, if it did, whether the Government planned to review such provisions in order to ensure the primacy of the Convention and the Constitution. She wondered what legal redress was available to victims of violations of the right to equality, equal protection and non-discrimination on the basis of gender that were associated with the traditional rights addressed in article X of the Constitution. She would also be interested to know whether the civil courts reviewed rulings issued by the Traditional Rights Court.

18. Lastly, she invited the delegation to comment on the status of plans to establish an ombudsman's office, including the date when the proposal was expected to be put to referendum. Likewise, it would be useful to have updated information on the functions and role of the recently established interministerial committee, particularly its role in protecting women's rights to equality and non-discrimination.

19. **Mr. Adiniwin** (Marshall Islands) said that the draft legislation on the ratification of the Optional Protocol to the Convention would shortly be submitted to parliament, in line with the deadline established by the Speaker of the Nitijela (the Parliament of the Marshall Islands). The scope of the anti-discrimination bill would depend on the outcome of the comprehensive review carried out by the Pacific Community's Regional Rights Resource Team. To date, there had been no cases of conflict between the provisions of customary law and those of the Constitution. In any case, under the Constitution, the Nitijela, in consultation with the Council of Iroij (chiefs), was empowered to formalize customary law through legislation. The High Court had jurisdiction over criminal and civil matters, including those relating to traditions and customs. Cases pertaining to the latter would be referred to the Traditional Rights Court, which would then issue a recommendation for the consideration of the High Court. The time frame for a referendum depended on the Speaker. The next Constitutional Convention would be held in 10 years' time. In the meantime, however, provisions relating to discrimination against women could be incorporated into the anti-discrimination bill that the Government planned to draft in 2019.

20. **Ms. Schulz** said that the Government should incorporate all issues due to be submitted for consideration by the Constitutional Convention into the anti-discrimination bill in order to avoid having to wait another decade to address matters such as the concept of equality, discrimination by non-State actors and the extension of the list of

characteristics expressly protected against discrimination) to include disability, sexual orientation and gender identity.

21. Reminding the delegation that States parties were responsible for ensuring respect for the principles of gender equality and non-discrimination even if they accepted the existence of customary law, she suggested that the State party consult the Committee's general recommendation No. 33 (2015), on women's access to justice, for guidance in addressing problems associated with the coexistence of the two systems.

22. Noting that a comprehensive legislative review was a long-term undertaking, requiring a set time frame and pre-established priorities, she asked why the scope of the anti-discrimination bill would depend on the outcome of the review. She suggested that a bill covering a wide range of issues and establishing core legal principles could be drafted in advance, and could subsequently be considered within the framework of the legislative review, when possible sources of conflict could be identified and relevant amendments proposed.

23. **Ms. Helkena** (Marshall Islands) said that the Government would take the Committee's suggestions into consideration.

Article 3

24. **Ms. Ranz** said that she wished to know how the National Strategic Plan/Sustainable Development Goals Committee planned to implement Sustainable Development Goal No. 5 across the five sectoral areas covered by its various subcommittees; how that Committee's work was aligned with the 2016 implementation plan for the 2014 Gender Mainstreaming Policy, which also had five areas of focus; and what specific progress and updates had been reported so far by the National Strategic Plan/Sustainable Development Goals Committee. She wondered why the term "equitable participation" had been used in the title of the fifth area of focus of the implementation plan rather than the term "equal participation". It would be useful to learn what specific steps had been taken to secure a sustainable increase in the budget allocated to the Gender and Development Office in the Ministry of Internal Affairs and what role was played by the new Gender Development Coordinator and the new Gender Development Officer in the mainstreaming of gender and women's rights across the Government. Did those positions have sufficient powers and resources? And what steps had been taken to raise awareness of those positions among women in the outer islands and conduct outreach programmes for them?

25. She would also appreciate updates on the progress made towards implementation of the proposal to establish a system of gender focal points across the Government and, following the conclusion of the Revised Pacific Platform for Action on Advancement of Women and Gender Equality (2005–2015), on the State party's continued involvement in the promotion and coordination of gender issues at the regional level. She wondered whether the Youth Policy 2014 had been updated and, if it had, how it would protect the rights of girls and ensure the equal inclusion of girls and boys.

26. **Ms. Helkena** (Marshall Islands) said that, in a few months' time, the National Strategic Plan/Sustainable Development Goals Committee would be organizing a comprehensive consultation with representatives of a number of ministries in order to develop an implementation plan. The Government was grateful to those development partners, including the United Nations Children's Fund (UNICEF), that had shown an interest in acting as observers to the consultation process and hoped to invite other development agencies to do so. In that context, the social sector team would give due regard to the Convention, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. The establishment of a system of gender focal points would be discussed as part of the consultation process. The team was currently working with the Secretariat of the Pacific Community to develop a booklet on indicators and needs.

27. The Gender and Development Office did not have a large budget and, for that reason, actively sought capacity-building assistance from regional agencies and partners. The Office expected to receive an Australian volunteer in April 2018. The Regional Rights Resource Team had its own staff. The task of reaching rural women represented a

considerable challenge. The social sector team planned to mobilize additional funding from development partners and agencies with a view to addressing the specific issues faced by outer island women. It was expected that the new Youth Policy would be approved later in 2018.

28. **Ms. Rana** said that the Committee would urge the State party to ensure that the outcomes of the forthcoming consultation process were in line with the Sustainable Development Goals and that gender focal points were granted adequate powers. She wondered whether the Office planned to advocate for an increase in its budget and whether a commitment to gender equality and women's empowerment would be incorporated into the updated Youth Policy. It would be useful to know what the State party had learned from the treaty reporting workshop in which it had participated in 2017; what steps had been taken to implement what had been learned at that and similar events; and whether the State party had any definite plans to improve its data-collection practices.

29. **Ms. Helkena** (Marshall Islands) said that the Government had been working with the Social Development Programme of the Secretariat of the Pacific Community to provide technical assistance and training. A gender profile booklet had been drafted and would soon be finalized. A great deal had been learned from the workshops that had been held on the reporting process, and the preparation of the report under consideration had also been a useful exercise in that connection.

30. **Ms. Schulz** asked whether training on gender equality was organized for members of the judiciary and other actors in the justice system.

31. **Ms. Helkena** (Marshall Islands) said that training courses on gender equality were typically organized for judges once a year.

Article 4

32. **Ms. Jahan** said that, following the 2017 Constitutional Convention's decision to reject the proposal to reserve a fixed number of seats for women in the Nitijela, she wished to know what proactive steps were being taken to win support for temporary special measures aimed at increasing the political representation of women; whether such measures could be implemented without approval from the Constitutional Convention; and whether efforts had been made to raise awareness among legislators, policymakers and the general public of the importance of temporary special measures in accelerating de facto equality. In the Committee's experience, such aims could often be achieved through lobbying.

33. It would be useful to learn whether the State party used temporary special measures other than quota systems in the Nitijela, the civil service, the education sector, the labour market and the financial service sector to benefit women who faced multiple discrimination or were marginalized, including women in the outer islands, women living in poverty, women with disabilities and older women; and what steps were planned to use temporary special measures to increase women's representation in decision-making and management positions in the public and private sectors. Lastly, she wondered whether the State party planned to study the experience of other countries in the Pacific region that had successfully implemented temporary special measures in the past.

34. **Ms. Helkena** (Marshall Islands) said that, immediately after the 2017 Constitutional Convention, consideration had been given to the possibility of introducing a bill to provide for temporary special measures aimed at increasing the political representation of women. Three female politicians from the Pacific region had been featured in a recent study on women's participation in politics in which temporary special measures had been discussed.

35. **Mr. Adiniwin** (Marshall Islands) said that temporary special measures were a relatively new concept in the Marshall Islands. The proposal submitted to the Constitutional Convention had represented the first attempt to increase the political representation of women by introducing temporary special measures; it had initially been assumed that such measures could not be introduced unless explicitly provided for in the Constitution. However, such measures could in fact be introduced following their incorporation into law or adoption by the Cabinet.

36. **Ms. Jahan** said it was likely that temporary special measures would have the greatest impact in the outer islands. She would urge the State party to strengthen advocacy for such measures in the media and ensure that men were involved in the process of their introduction.

37. **Ms. Helkena** (Marshall Islands) said that the Committee's suggestions regarding temporary special measures had been duly noted. The Marshall Islands were keen to learn from the best practices of other countries.

Article 5

38. **Ms. Acar** said that she would appreciate specific examples of the measures that the State party had taken in coordination with NGOs to raise awareness of, and eliminate, gender stereotypes. She wondered, for example, whether educational curricula and teaching materials had been reviewed to eliminate messages promoting and normalizing gender stereotypes and whether the outer islands were being specifically targeted in media campaigns.

39. Given the nature of social attitudes towards domestic violence in the State party, it was not surprising that few cases were reported. In the Committee's experience, the successful implementation of laws such as the Domestic Violence Prevention and Protection Act depended on prior awareness-raising, appropriate support mechanisms for victims and adequate funding. In that connection, it was unclear what percentage of the national budget was allocated to efforts to prevent and combat violence against women; whether police officers, health-care professionals and teachers received training on the Domestic Violence Prevention and Protection Act; and whether there were plans to establish a specific aggravated offence in the Criminal Code to cover sexual acts committed against persons aged under 14 years by a family member or relative.

40. Lastly, it would be helpful if the delegation could indicate what measures had been taken to ensure that members of the Nitijela and local government representatives paid due regard to gender equality and whether training was provided for them.

41. **Ms.** Karina **Debrum** (Marshall Islands) said that one cause of the increasing prevalence of domestic violence was the high rate of emigration to the United States of America, which had led to a breakdown in family structures. The situation was evolving faster than the Government's capacity to respond. However, the Government was working with NGOs, including Women United Together Marshall Islands, which had set up a system of shelter assistance. Efforts to tackle domestic violence were hampered by a lack of resources.

42. In implementation of the Domestic Violence Prevention and Protection Act, all fines collected from convictions secured under the Act were paid into a dedicated fund intended to be used to support victims. Regrettably, however, the total value of fines collected so far was low, as many cases of domestic violence were prosecuted under the Criminal Code instead. That matter would be addressed at the consultation process scheduled for later that year.

43. **Ms.** Sally Ann **Debrum** (Marshall Islands) said that gender was one of the topics that would be included in the revised school curriculum. In addition, all school textbooks would undergo a review aimed at eliminating gender stereotypes. The Regional Rights Resource Team was providing support in that regard. Teacher training courses were held every summer, and human rights and gender were among the subjects covered.

44. **Mr. Adiniwin** (Marshall Islands) said that the Domestic Violence Prevention and Protection Act contained a number of special provisions. For example, it granted victims the right to contact a judge directly in order to obtain temporary protection. Statutory rape, or sexual relations with a minor aged under 14 years, was an offence under the Criminal Code, which also prohibited sexual relations between relatives.

45. **Ms. Helkena** (Marshall Islands) said that the Government had provided some funding to support the domestic violence programme organized by the Women United Together Marshall Islands. Training was provided for police officers and would be strengthened further. Mobile teams conducted visits to the outer islands, which were

difficult to contact by other means. Relevant materials were produced in the Marshallese language, and translations had also been produced for, inter alia, the Church and local government.

46. **Ms. Acar** said that she would appreciate clarification regarding the relationship between the Domestic Violence Prevention and Protection Act and the Criminal Code. It seemed that, although victims had easier access to the courts under the Act, the penalties provided for under the Criminal Code were more stringent. Could the delegation confirm that, under existing legislation, the fact that the perpetrator of an act of sexual abuse against a minor aged under 14 years was a relative of the victim was not recognized as an aggravating circumstance?

47. **Ms. Gbedemah**, noting that the Marshall Islands was a matrilineal society in which women had traditionally had a role in decision-making and were recognized for their contributions to peaceful development, asked to what extent the Government leveraged those traditions to combat domestic violence and challenge negative gender stereotypes.

48. **Ms.** Karina **Debrum** (Marshall Islands) said that, in addition to teaching in schools, a series of radio programmes was being devised to raise awareness of the Convention and women's rights and to foster renewed interest in the country's traditional beliefs and culture.

49. **Mr. Adiniwin** (Marshall Islands) said that prosecutors could choose whether to prosecute cases of domestic violence under the Domestic Violence Prevention and Protection Act or under the Criminal Code. The majority of cases were prosecuted under the latter, since it contained stricter penalties; however, victims still had recourse to the temporary protection measures provided for in the Act.

Article 6

50. **Ms. Gabr** said that, while she welcomed the adoption of the Prohibition of Trafficking in Human Persons Act 2017 and the associated National Action Plan to Combat Trafficking as well as the allocation of government funding for victim services and awareness-raising activities, she was concerned that there had been just two investigations relating to trafficking in persons in the past year. She wished to know what action was being taken to increase investigations, prosecutions and convictions for trafficking offences; whether the State party intended to ratify the Trafficking in Persons Protocol; whether there were any plans to study the root causes and extent of human trafficking in the country; and what training and awareness-raising activities were provided for diplomats, law enforcement officers and other public officials. She wondered whether the State party had assessed the impact of its public awareness-raising campaigns and, if so, what the results had been; whether victim identification procedures incorporated a gender-sensitive approach, in particular with regard to trafficking victims forced into prostitution; and whether any shelters for victims had been established.

51. Since, according to paragraph 95 of the State party report, engaging in or soliciting prostitution were felony offences, she would like to know whether women trafficked for the purposes of sexual exploitation or prostitution were criminalized; what measures had been taken to reduce demand for the commercial sex trade; what types of sanctions could be imposed on individuals convicted of trafficking or pimping; and what efforts had been made to combat the recruitment of women and girls who were forced into prostitution for crew members of foreign fishing vessels. Lastly, noting with concern that pregnant Marshallese women were being trafficked to the United States where they subsequently gave birth and gave their babies up for adoption, she asked what action had been taken to combat that phenomenon.

52. **Mr. Adiniwin** (Marshall Islands) said it was true that just two trafficking-related investigations had so far been undertaken. However, the Prohibition of Trafficking in Human Persons Act was still very new, having only been enacted in 2017. Awareness-raising and training were still required; with time, the Government was confident that the Act would result in more prosecutions. Due consideration would be given to acceding to the Trafficking in Persons Protocol and to undertaking research to study the root causes of human trafficking in the country.

53. **Ms. Gabr** said that she would encourage the State party to step up its awareness-raising activities for the public and increase training for justice officials in relation to the Prohibition of Trafficking in Human Persons Act.

54. **Ms.** Sally Ann **Debrum** (Marshall Islands) said that the World Day Against Trafficking in Persons, held every year on 30 July, provided an ideal opportunity for community awareness-raising. The International Organization for Migration had visited the country's outer islands and remote areas to inform people about the issue and had provided training to teachers, police officers and other relevant public officials.

55. **Ms. Helkena** (Marshall Islands) said that a written response would be provided in respect of the trafficking of pregnant Marshallese women.

Articles 7 and 8

56. **Ms. Jahan** said that, while the State party had made commendable progress in terms of women's representation in decision-making and leadership positions, including the election of the country's first woman president, women remained underrepresented in political life. She wished to know what temporary special measures were envisaged to increase women's representation in parliament, perhaps through financial incentives or minimum thresholds to encourage political parties to field more women candidates in local and national elections. She wondered whether the Government had considered working with the Inter-Parliamentary Union, which had, among other measures, developed a plan of action for gender-sensitive parliaments that could prove useful. She would also like to know what specific measures were contained in the National Gender Mainstreaming Policy to increase women's political representation, implement national employment legislation and eliminate discriminatory practices and policies that barred women's participation in public and political life; and whether the Government had set a specific time frame and concrete objectives for increasing the numbers of women in elected and appointed posts and enhancing women's participation in decision-making in the civil service, the judiciary and on statutory bodies. In a similar vein, she asked whether any legislation was in place to ensure that women served as members of corporate boards of directors; whether any leadership and skills development training was available to improve women's participation in public and political life; and how the Government intended to encourage more women to represent their country at the international level and participate in the work of international organizations.

57. **Ms. Helkena** (Marshall Islands) said that steps were being taken under the National Gender Mainstreaming Policy to improve women's representation in decision-making, although a specific plan was ultimately needed. Measures to date had included holding a women's mock parliament and carrying out activities, in conjunction with Women United Together Marshall Islands, to encourage women to run in local elections. However, reaching women in remote areas remained a major challenge.

58. **Mr. Adiniwin** (Marshall Islands) said that, over the years, more and more women had stood for public office, thanks, in part, to awareness-raising campaigns. Although efforts to establish reserved seats to improve women's political representation had failed, the number of women in parliament was currently the highest in the country's history. That said, the Government was looking into introducing temporary special measures to further improve the situation.

59. **Ms. Jahan** said that, in addition to a specific plan to improve women's representation, it was important to establish a time frame, define goals and allocate the budget necessary for implementation. She asked whether there were any barriers, either in law or in practice, that prevented women from becoming tribal chiefs and, if not, how many women chiefs there were. Lastly, she would welcome data on the proportion of women on statutory boards and in the national police, the judiciary, the civil service.

60. **Mr. Adiniwin** (Marshall Islands) said that currently one of the three judges of the Traditional Rights Court was a woman. The title of tribal chief was a hereditary one that could be held by women and men heirs alike.

61. **Ms. Helkena** (Marshall Islands) said that, under the current policy, at least one woman member was required on all statutory boards. In fact, women outnumbered men on boards of education. The relevant data would be provided in writing at a later date.

Article 9

62. **Ms. Schulz** said that, while the fact that Marshallese women and men had equal rights to transfer their nationality to foreign spouses and to their children was positive, she had been concerned to read in the State party's report (CEDAW/C/MHL/1-3, para. 118), that Marshallese women were being exploited by foreign men who married them to gain Marshallese citizenship, which gave them visa-free entry to the United States of America, and then simply abandoned them. She wished to know what measures were being taken to combat such exploitation and introduce safeguards to support women whose children had been taken abroad by the father or whose husbands had left them without paying alimony or child support.

63. **Mr. Adiniwin** (Marshall Islands), describing the procedures involved when a foreign national married a Marshallese national, said that efforts were being made to prevent exploitative situations. As things stood, a foreign national married to a Marshallese woman could only apply for citizenship after five years' residency. A number of options were being explored, including the possibility of increasing the minimum residency period.

64. **Ms. Schulz** said that she wondered whether any specific measures for detecting abusive marriages were envisaged, especially since the intent was clearly to obtain a Marshallese passport and gain entry to the United States, and whether any studies had been conducted to determine the extent of the problem.

65. **Mr. Adiniwin** (Marshall Islands) said that the Compact of Free Association between the United States and the Marshall Islands required naturalized Marshall Islands citizens to have resided in the State party for at least five years after obtaining citizenship in order to live and work in the United States. No provision was currently made for couples who later separated.

66. **Ms. Schulz** said that, according to her understanding, the Compact would soon expire. If so, she wished to know whether the rules would change or the two countries would continue on the same legal basis.

67. **Ms. Manalo** asked whether the State party cooperated with the United States in addressing the issue of marriage for visas.

68. **Mr. Adiniwin** (Marshall Islands) said that only the economic relations under Title II of the Compact would expire in 2023.

Article 10

69. **Ms. Gbedemah** said that gender-disaggregated data on school attendance rates would be useful for determining the success of the compulsory school initiative. She would also like to know whether sanctions had been imposed on the parents of the 22 per cent of children who reportedly did not attend school; whether the efficacy of the Prevention of Adolescent Pregnancy Strategy had been assessed; and what measures had been taken to encourage teenage mothers to return to school after giving birth and to ensure their continued attendance. Noting that the 15-day absence from school permitted for pregnant teenagers was insufficient, since maternity leave itself exceeded that length of time, she invited the delegation to explain how the strategy worked in practice. It was regrettable that the strategy did not apply in private schools. Had a timeline been established for their compliance? She would also like to know how the Government enforced policies for reducing the school dropout rate due to pregnancy in the absence of any specific legislation.

70. Noting with concern that sex education was not a compulsory requirement and that family education was not a satisfactory substitute, she asked how the State party would ensure that sex education in line with the Committee's guidelines would be integrated into the curriculum at all levels of schooling. She also wished to know whether the Government had considered introducing human rights education in schools.

71. Referring to the State party's replies to the list of issues (CEDAW/C/MHL/Q/1-3/Add.1, para. 9), which indicated that teachers would be empowered to participate in the creation and implementation of equitable school policies, she said she would be grateful for details of that initiative, including who was involved, how many policies had been influenced, what issues were covered, and what the impact had been. Information about the use of temporary special measures, including scholarships, quotas and training, to address segregation in study choices would likewise be useful. She also wished to know what action had been taken to address shortcomings in the quality of education in the outlying islands, particularly in terms of providing qualified teachers; what was being done to make schools disaster-resilient; and what financial costs were involved. Lastly, she asked whether legislative processes were in place to repeal the right to use force to prevent or punish children's misconduct.

72. **Ms.** Sally Ann **Debrum** (Marshall Islands) said that the State party used enrolment data when developing policies and plans. New schools had been opened and more teachers had received training, yet ensuring that children attended school remained a challenge. No assessment of the Prevention of Adolescent Pregnancy Strategy had been conducted to date. Pregnant teenagers who were unable to complete the school year were encouraged to continue school the following academic year. The fact that girls often went to the United States to give birth made data collection difficult; nevertheless, the State school system, in conjunction with the Ministry of Education, was endeavouring to overcome the issue. The National Board of Education was in the process of establishing a timeline for private schools to comply with the Prevention of Adolescent Pregnancy Strategy, and the strategy would soon be in place; further details on the plans would be submitted in writing.

73. Family education did encompass sex education, but the State party was working with the NGO Youth to Youth in Health to train teachers specifically in sex education and to raise sexual awareness in schools in general. Human rights education would be integrated as part of revisions to the school curriculum, and the conventions of each of the treaty bodies would be covered. The State party encouraged girls to take courses in science, technology, engineering and mathematics, particularly at secondary school level. In the outlying islands, 15 schools had Internet access and, with the College of the Marshall Islands, work was under way to build satellite schools on the most populated islands. A large number of teachers held qualifications; however, many did not wish to live and work on remote islands. The Child Protection Policy and the Child Rights Protection Act prohibited corporal punishment in schools.

74. **Ms. Gbedemah** suggested that the State party should refer to general recommendation No. 36, on the right of girls and women to education, and perhaps offer teachers incentives to remain on the outlying islands.

75. **Ms. Manalo** asked to what extent teenagers were informed of their rights and responsibilities with regard to sex.

76. **Ms.** Sally Ann **Debrum** (Marshall Islands) said that sex education would be included in the family health education syllabus from autumn 2018. Youth to Youth in Health also ran sex education courses and trained teachers.

77. **Ms. Jahan** asked whether the State party had introduced initiatives to reduce the indirect costs of education, such as books, stationery and school uniform, which dissuaded many girls from attending school.

78. **Ms. Helkena** (Marshall Islands) said that the State party expected to receive funding from UNICEF and the World Bank for programmes to improve social services and support for children, following reports of stunted growth owing to a lack of nutrition.

79. **Ms.** Sally Ann **Debrum** (Marshall Islands) said that a school food programme had been introduced in the outlying islands, with support from the Ministry of Culture and Internal Affairs, that was designed to promote healthy eating and teach children how to grow their own food.

Article 11

80. **Ms. Rana** asked what measures, including temporary special measures, the State party intended to adopt to increase the overall employment rate of women. It would be useful to collect statistical data for the next reporting period. Noting that a significant wage gap persisted, despite the State party's commendable efforts to enforce the principle of equal pay for equal work in line with the ILO Equal Remuneration Convention, 1951 (No. 100), she asked what progress had been made towards calling a board of inquiry to discuss the gap and when the inquiry would take place. She would also appreciate an explanation as to why the minimum wage had so far been raised to $2.50 per hour only, rather than to $3, as provided in a bill currently before the Nitijela. What timeline had been set for implementing a $3 minimum wage?

81. She wished to note that the bill currently under consideration that would extend maternity leave for public sector employees from 20 days to 1 month was inadequate, as the new period proposed still fell short of the ILO standard of 14 weeks set under the Maternity Protection Convention, 2000 (No. 183). Noting also that there was no law regulating maternity leave in the private sector, she asked when the Government expected to adopt the aforementioned bill and whether it was taking steps to bring its maternity legislation into line with ILO standards. Since women were often compelled to leave their jobs after childbirth due to a lack of childcare facilities, she wished to know whether the Government would consider establishing such facilities in the future and whether there were any current provisions allowing women to take breaks or reduce their working hours in order to breastfeed. An update of the legislation and policies in place to prohibit sexual harassment and ensure that such cases were duly reported would be helpful, as would details of the mechanisms used to ensure proper implementation of such legislation and policies.

82. **Mr. Adiniwin** (Marshall Islands) said that the minimum hourly wage was currently $3, and was raised by 50 cents every September. The bill on minimum conditions of employment allowed nursing mothers two breaks per day, provided for maternity leave in the private sector and also covered sexual harassment. Women were able to extend their maternity leave by two months by taking sick leave.

The meeting rose at 1 p.m.

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Summary record of the 1589th meeting
Held at the Palais des Nations, Geneva, on Friday, 2 March 2018, at 3 p.m.

Chair: Ms. Arocha Domínguez (Vice-Chair)

Contents

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Combined initial and second and third periodic reports of the Marshall Islands (continued)

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In the absence of the Chair, Ms. Arocha Domínguez, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial and second and third periodic reports of the Marshall Islands (continued) (CEDAW/C/MHL/1-3, CEDAW/C/MHL/Q/1-3 and CEDAW/C/MHL/Q/1-3/Add.1)

1. *At the invitation of the Chair, the delegation of the Marshall Islands took places at the Committee table.*

Article 11 (continued)

2. **Mr. Adiniwin** (Marshall Islands) said that public hearings on the bill on minimum conditions of employment had already been held and that the text was currently before the parliament. The Government did not intend to redraft the bill at present.

3. **Ms. Rana** said that she wondered whether the State party, in the light of its constructive dialogue with the Committee, could not take the opportunity to redraft the bill with a view to bringing it into line with the International Labour Organization Equal Remuneration Convention, 1951 (No. 100) and fulfilling the State party's obligations under the Convention.

4. **Mr. Adiniwin** (Marshall Islands) said that it was still possible for Cabinet members to discuss redrafting the bill.

Article 12

5. **Ms. Chalal**, commending the State party for its achievements in the area of public health, including the eradication of lymphatic filariasis and the reduction of maternal and infant mortality rates, said that she nonetheless wondered what had become of the health-care programme set up in 1983 to address the health problems of women living on the atolls of Bikini, Enewetak, Rongelap and Utrōk who had been affected by the nuclear testing carried out by the United States of America. In particular, she wished to know whether the programme was still operating, whether it had been updated and whether it involved anything other than cancer-screening activities. She would welcome an indication of the resources that had been allocated to the programme. It would also be interesting to know whether the Government had developed and implemented gender-responsive policies and programmes to address the intergenerational effects of nuclear testing, including in women's health and other areas, as had been recommended by the Micronesian Women's Conference 2017, and, if so, what specific steps it had taken in that regard.

6. HIV prevalence was low in the Marshall Islands, but other sexually transmitted diseases were a public health problem. She therefore asked what measures the State party intended to take to combat their spread, in particular among teenagers and sex workers, and to enhance efforts to ensure that women were aware of their sexual and reproductive rights. She also asked whether it intended to offer greater access to voluntary, confidential screening for sexually transmitted diseases.

7. She wished to know whether the State party had plans to legalize abortion in cases of risk to the mother's life or health, foetal malformations and pregnancies resulting from rape or incest. Similarly, she wondered whether the authorities had information on the number of unsafe abortions performed in the State party and of the role such abortions played in women's health and maternal mortality.

8. In view of the State party's scattered population, the concentration of its doctors in urban areas and the difficulty of getting from one island to another by public transport, she asked what measures were taken to ensure that women and girls had access to prenatal health services. In the same connection, she wondered whether a new policy or strategy had been developed in the wake of the National Reproductive Health Policy/Strategy 2014–2016 and what lessons had been learned during the implementation of the Policy/Strategy.

Lastly, she would welcome a comment on the reasons for the high rate of teenage pregnancy and the drop in the use of contraceptives in the State party.

9. **Ms. Wase-Jacklick** (Marshall Islands) said that the cancer prevention programme set up to address health problems caused by nuclear testing was ongoing. Cancer screening was available not only at the two urban health centres but also, through flying squads that arrived once a year, at a total of 49 active health centres on the outer islands. All primary health-care services were provided by the flying squads. Under the 177 Health-Care Programme, to which Ms. Chalal had referred, health-care services were provided on the four atolls affected by nuclear testing and in Majuro, the capital. A survey of sex workers, facilitated by the NGO Women United Together Marshall Islands and the Global Fund to Fight AIDS, Tuberculosis and Malaria, would serve as a point of departure for efforts to combat the spread of sexually transmitted diseases.

10. **Ms. Heikena** (Marshall Islands) said that the authorities were developing a system to monitor progress towards implementation of the recommendations made at the Micronesian Women's Conference 2017.

11. **Ms. Wase-Jacklick** (Marshall Islands) said that there had been no reports of abortions between 2015 and 2017. Abortion was accessible if it was deemed medically necessary. A plan on adolescent sexual health was in place, but it had not yet undergone its annual update. The activities organized as part of the plan were ongoing, however.

Article 13

12. **Ms. Jahan** said that she wondered whether women in the State party were able to benefit from what appeared to be a relatively robust social security and pension system, given that they were less likely than men to have paid into the system in the first place. It would be interesting to know, for example, whether women with disabilities and older women received benefits under the system; whether women were recognized as heads of household for benefit purposes; whether retired part-time workers were entitled to pension payments; and whether recent reforms to the social security system had introduced a gender-sensitive approach to addressing the needs of beneficiaries.

13. It would also be interesting to know what measures were in place to ensure that women, in particular those from lower-income groups, had access to financing and to technical assistance or advice in respect of financial literacy and capacity-building. In the same vein, she would welcome an indication of any efforts to create income-generating opportunities for women on the outer islands by providing training or access to farm or small-business loans. An indication of whether the authorities had expanded the number of outlets for the goods or services offered by such women would also be welcome. In addition, she wished to know whether poverty-reduction strategies focused on women and what special benefits women affected by the intergenerational impact of nuclear testing were entitled to.

14. She likewise wished to know whether the Marshall Islands had built on the individual success of one of its female weightlifters to encourage girls and women to participate in sports and other recreational activities on the outer islands. Similarly, she wondered whether girls and women had access to fitness clubs or social groups that organized physical activities that could help prevent diabetes, to which the State party's girls and women were particularly susceptible.

15. **Mr. Adiniwin** (Marshall Islands) said that a trust fund of $150 million had been set up under section 177 of the Compact of Free Association between the United States and the Marshall Islands. However, the annual proceeds generated by the fund had been much less than expected owing to the financial crisis of the late 1990s and, after drawdowns to pay compensation to the victims of nuclear testing, the fund had been depleted. In 2000, the Government had submitted a petition to the United States Congress regarding the circumstances that had led to the fund's depletion. A response was still awaited.

16. **Ms.** Sally Ann **Debrum** (Marshall Islands) said that the public school system had assumed oversight of the Sports and Recreation Division in 2018 and that a new physical education curriculum would shortly be in place in all the country's schools. Organized

sports were not practised on the outer islands, as there was little space and a lack of facilities. Sports were nonetheless practised informally.

17. **Ms. Helkena** (Marshall Islands) said that one of the priorities identified in the outcome document produced by the recent Micronesian Women's Conference was promoting the economic empowerment of women. Against that backdrop, officials connected with Pacific Women Shaping Pacific Development, an initiative of the Government of Australia, had visited the Marshall Islands as part of a study on women in agriculture. They had also conducted a study of gender-based violence in the Marshall Islands. It was hoped that those studies would lead to the development of programmes and services for women and girls on the outer islands.

18. **Mr. Adiniwin** (Marshall Islands) said that only employed persons and self-employed persons who made contributions to the system, such as copra producers, were entitled to social security benefits. He did not know whether part-time workers were entitled to benefits. The Social Security Act of 1990 had recently been amended because it had been necessary to increase contributions from working people while cutting the payments made to retirees. In 2017, the Bank of Marshall Islands had extended credit for microenterprises to 7 women and 25 men in urban centres and to 9 women and 10 men in rural areas.

19. **Ms. Jahan** said that what she wished to know was how the Government ensured that the social security system took into consideration the specificities of women, many of whom either did not contribute to the system or did so for a comparatively short time. In particular, she wondered what benefits older women who had not contributed to the system were entitled to.

20. **Ms. Helkena** (Marshall Islands) said that further information on the social security system would be provided in writing in due course.

Article 14

21. **Ms. Gabr** said it was her understanding that customary land rights in the Marshall Islands were based on matrilineal succession and that, traditionally, women had therefore had a measure of influence in decision-making. In practice, however, authority was commonly delegated to men representing the clans. That situation was detrimental to the status of women in rural areas and she wondered how the authorities planned to address it.

22. She would like to know what measures the Government planned to adopt to address the lack of basic social and medical services and personnel in the outer islands, which, according to the information received by the Committee, was attributable to poor infrastructure. She would also like to know whether there were any plans to provide training for women in the outer islands, to carry out train-the-trainer programmes or to make use of information and communication technologies to meet needs. For example, did the authorities plan to carry out financial literacy programmes or training in non-farm skills to support women living in remote parts of the country? And were there any plans to provide them with access to credit? She pointed out that the Committee's general recommendation No. 34 (2016) on the rights of rural women could provide valuable guidance in that context.

23. She wondered how the Government intended to address the lack of a constitutional provision banning discrimination on the grounds of disability. It would perhaps be useful to conduct an assessment of the activities carried out under the National Policy on Disability Inclusive Development Action Plan 2014–2018. The Committee would like to hear what role the Disability Coordination Office played in representing the interests of persons with disabilities in the fields of employment and education. In addressing the situation of women in vulnerable situations, the State party should refer, inter alia, to the Committee's general recommendation No. 27 (2010) on older women and protection of their human rights.

24. The Marshall Islands faced severe risks in respect of climate change. The Committee would therefore like to find out how the State party incorporated the gender perspective into its national disaster relief and recovery strategies and risk and disaster management activities, and, specifically, what role women would play in the review and update of the

Joint National Action Plan for Climate Change Adaptation and Disaster Risk Management 2013–2018. She drew the delegation's attention to the fact that the Committee was about to adopt a general recommendation on the subject of the gender-related dimensions of climate change and disaster risk reduction.

25. **Ms. Wase-Jacklick** (Marshall Islands) said that, for the short term, the authorities were providing health services to women in the outer islands through missions carried out by nursing staff. However, the Ministry of Health, in partnership with the College of the Marshall Islands, had established long-term goals entailing the recruitment and training of nurses, and specifically female nurses, for further training and assignment to outer-island communities for longer periods. The Ministry was seeking avenues to improve the provision of health services in remote areas by increasing pay to elicit more interest in such positions. It had recently invested in eight demand assigned multiple access (DAMA) satellite communications posts, equipped with phone, fax and computer equipment. Such equipment was essential to replace high-frequency radio links with urban centres, as the latter afforded no confidentiality to patients. Use of the DAMA equipment should result in improved screening and triage, thus preventing deterioration in the health status of patients. Hopefully, more satellite communication posts would be added in the future.

26. **Mr. Adinwin** (Marshall Islands) said that, in 2017, the Government had launched the One Island One Product programme, which supported the production and marketing of locally made goods with a view to providing people with a means of livelihood. The Government was also in the process of identifying a number of outlying areas for the development of tourism activities. One site, which was renowned for surfing, had already been developed in 2016.

27. **Ms. Helkena** (Marshall Islands) said that women and girls, including those living with disabilities, had participated in a recently held national consultation on disaster and risk management and climate change. One of the aims of the consultation had been to review and, when necessary, to revise some of the related action plans. A final implementation plan was expected to be issued in the near future.

28. The role of the Disability Coordination Office was to monitor and ensure implementation of the provisions of the Convention on the Rights of Persons with Disabilities. The authorities had adopted an implementation plan and had translated the Convention into Marshallese. The Office was currently not staffed, but a job announcement had been issued. Discussions had been held in recent months with a view to extending social security benefits not only to older women but also to women working in the production of handicrafts.

Articles 15 and 16

29. **Ms. Hayashi**, noting that, under the Child Rights Protection Act and the Births, Deaths and Marriages Registration Act, the legal age for marriage was 18 but that a section of the latter Act exempted customary marriages from the minimum age requirement, asked where there was any legislative guarantee that women were free to choose their spouses and entered into marriage only with their full consent. The Committee would also like to know whether the State party intended to remove the section establishing the minimum age exemption. In its replies to the list of issues (CEDAW/C/MHL/Q/1-3/Add.1), the State party mentioned that customary marriages often took place when young women became pregnant and that such unions were sometimes forced marriages, which resulted in difficulties in sustaining their relationship for the couple. What concrete measures had been taken to combat the phenomenon of forced marriage?

30. The Domestic Relations Act included a provision establishing that the law did not apply to the annulment of customary marriages, and the authorities had recognized that the coexistence of customary and legal marriage made it difficult to determine the divorce rate with any accuracy. Had the authorities engaged in dialogue with religious and community leaders and women's rights groups to encourage legal marriage? Under the Act, divorce was fault-based and proof of a matrimonial offence such as adultery or desertion was required. In many countries, women faced difficulty in meeting such criteria when attempting to divorce their abusive husbands. The Act also allowed for the defence of

forgiveness, whereby the grounds for divorce could be forgiven by the injured party. In her understanding, in many circumstances women claimed that they forgave their husbands owing to financial, cultural or social pressure or constraints. Had the authorities conducted any studies of the impact of fault-based divorce, and did they intend to amend the law to provide for non-fault divorce? She had received indications that the burden of proof was currently not equally applied to men and women.

31. The Committee would like to find out whether women enjoyed equal rights to custody of children in the event of divorce. According to the replies to the list of issues, separated or divorced women often did not seek child support from their children's fathers owing to negative stereotypes. It would be useful if the delegation could describe any awareness-raising activities that had been undertaken to transform perceptions about child support and enhance the sense of responsibility of fathers, and if it could outline any enforcement mechanisms for the provision of child support for women.

32. **Ms.** Karina **Debrum** (Marshall Islands) said that data relating to divorce, separation and custody were difficult to obtain, especially because the country's culture placed importance on the extended family. The issue was culturally sensitive. The Gender and Development Office, the Child Rights Office and the Disability Coordination Office had been working to build capacity to improve data collection in a manner that would allow citizens to have sufficient confidence in the resulting information. A revision of the Domestic Relations Act would hopefully be part of the forthcoming legislative review. The points raised by the Committee would be addressed in that process. The Gender and Development Office served as the enforcement mechanism for such matters.

33. **Ms. Hayashi** said that the Committee would like to know whether the repeal of fault-based divorce would be included as part of the revision package.

34. **Mr. Adiniwin** (Marshall Islands) said that the Domestic Relations Act had last been revised in 2002. It was indeed probably time to revise the law. The delegation took note of the need to change its provisions and would inform the authorities in the capital.

35. **Ms. Heikena** (Marshall Islands) said that the delegation had benefited from the constructive dialogue with the Committee and that it had thus obtained a better road map for further implementation of the country's obligations under the Convention. The country faced many challenges, including climate change and the nuclear legacy, and it was devoted to making steady progress for the benefit of Marshallese women and girls.

36. **Ms. Gabr** said that the Committee sincerely hoped that the authorities would make good use of its concluding observations to expedite changes in the country's Constitution and laws.

The meeting rose at 4.15 p.m.